

Title 16
SUBDIVISIONS

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Chapter 16.02

GENERAL PROVISIONS

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16.02.010 Title.

The ordinance codified in this title shall be known as the “Lewis County Subdivision Code.” [Ord. 1169, §1,I,A (2000)]

16.02.020 Purpose.

The provisions contained in this title are necessary to regulate the subdivision of land in accordance with Chapter 58.17 RCW and the Lewis County Comprehensive Plan, and to promote the public health, safety, and general welfare of Lewis County. [Ord. 1169, §1,I,B, 2000]

16.02.030 General scope.

Subdivisions, short subdivisions, and large lot subdivisions or any redivisions thereof shall be presented for review in accordance with the provisions of this title. This title shall apply to all subdivisions and short subdivisions, and large lot subdivisions, and to any redivisions thereof of any property held in contiguous

ownership as of July 26, 1999, unless specifically exempted by Section 16.02.040. [Ord. 1169, §1,I,C, 2000]

16.02.040 Specific exemptions.

The provisions of this title shall not apply to:

(1) Cemeteries. Cemeteries and other burial plots while used for that purpose;

(2) Testamentary Divisions. Divisions made by testamentary provisions or the laws of descent; provided there can be only one lot per heir or devisee. A map of the division must be recorded with the Lewis County Auditor when each parcel is transferred. The map must be signed by all beneficiaries to the property. Lots created through such divisions are deemed legal notwithstanding minimum lot size or density requirements imposed through the Zoning Ordinance. However, such lots and all land uses carried out on such lots are subject to all other standards and requirements of law, including, but not limited to, lot size requirements for on-site sewage disposal systems contained in Chs. 8.40 & 8.41 LCC;

(3) Assessor’s Plats. Assessor’s plats made in accordance with RCW 58.18.010, RCW 58.17.240, and RCW 58.17.250;

(4) Mobile Home Parks. A division for the purpose of lease when the land is to be developed as a mobile home park and a binding site plan has been approved pursuant to Chapter 15.30 LCC.

(5) Contiguous Lots. The transfer of ownership of contiguous platted lots if:

(a) The lots were created after June 9, 1937, or

(b) The lots transferred were created and separately developed prior to June 9, 1937;

(6) Condominiums. A division which is made by subjecting a portion of the land to Chapter 64.32 RCW (condominiums) and for which a binding site plan has been approved.

(7) Industrial and Commercial Site Plans. A division within an industrial or commercial zoning district is approved when the following conditions apply:

(a) The site plan limits the use of the land to industrial or commercial use,

(b) A preliminary binding site plan is approved pursuant to procedures in Chapter 16.15 LCC.

(c) For those portions of the land subject to the site plan that are to be leased, sold, or transferred, a final binding site plan is approved and recorded within two years of the preliminary binding site plan approval referenced in subsection 7(b) of this section and in accordance with the procedural requirements in Chapter 16.10 LCC. Upon application within the time period and upon good cause shown, the Administrator may grant one year time extensions to record the final binding site plan, and

(d) When a site plan meeting the requirements of subsections 7(a) and 7(b) of this section has been approved and the land which is subject to the site plan is thereafter proposed to be divided by lease, sale, and other transfer of ownership, the division shall not be effective until the requirements of subsection 7(c) of this section have been met;

(8) Boundary Line Adjustments. A division made for the purpose of adjusting boundary lines which do not create any additional building lot, tract, parcel, building site or division nor create any building lot, tract, parcel, building site, or division which contains insufficient area and dimension to meet minimum requirements for a building site, provided:

(a) The proponent has filed an application which includes:

(i) An adjusted legal description of the lots affected by the adjustment prepared and certified by a registered land surveyor or title company,

(ii) A scale drawing of the lots affected by the adjustment,

(iii) Notarized declaration that all parties involved consent to the proposed adjustment, and

(b) The proposed boundary line adjustment meets the following criteria:

(i) No conforming lot shall be made nonconforming as to any development standard.

(ii) Only parcels that are legal lots and also qualify as building sites shall be allowed to complete the BLA process.

(iii) Pursuant to the shoreline master program for Lewis County, no shoreline lot shall be made nonconforming or more nonconforming without an approved shoreline variance.

(iv) All newly configured lots must comply with applicable standards for sewage disposal contained in Title 8, Chapters 8.40 & 8.41 of the Lewis County Sanitary Code. Proof of such compliance may be required in the form of a conditional site approval or other similar approval.

(v) A BLA shall not detrimentally affect access, design, or other public safety and welfare concerns. The evaluation of detrimental effect may include review by the Lewis County Health Department, or any other applicable agency or department.

(vi) If within an approved subdivision, a BLA shall not violate the conditions of approval.

(vii) Except as provided in this subsection, the proposed BLA shall not make any land use nonconforming or more nonconforming as set forth in the Lewis County Code.

(c) The legal description, scale drawing (map) and notarized declaration shall be recorded with the Lewis County Auditor by the Community Development Department;

(9) Defining of Land. The land to which this title applies is any parcel, the division of which will create or leave a parcel less than 20 acres in size. [Ord. 1169, §1,I,D, 2000]

16.02.050 Legal lot criteria for building or transfer of ownership.

“Subdivision” is the division of land for sale, lease or transfer of ownership. All property under common ownership must be subdivided in accordance with the requirements of this title prior to sale, lease or transfer of ownership; provided, however, lots of record may be sold, leased or transferred without further compliance with this title. A lot is considered a valid lot of record if it meets any one of the criteria listed below. Even though a lot may be deemed legal, it is buildable only if it also meets the definition of “building site” in Section 16.04.080 or qualifies as a nonconforming use under local regulations.

(1) Lots of record include:

(a) Any parcel, the legal description of which was included in a deed recorded with the County Auditor prior to July 26, 1999 which parcel was both exempt from platting requirements and otherwise created in conformance with the health and development regulations in effect at the time of recordation.

(b) Any lot, the legal description of which has been recorded in a plat or short subdivision filed with the County Auditor after June 9, 1937.

(c) Any lot, the legal description of which is on file with the County Auditor in an assessor’s plat recorded in accordance with Chapter 58.18 RCW.

(d) Any lot, the legal description of which is contained in a survey recorded with the County Auditor, no parcel of which is less than five acres in size, prior to July 26, 1999.

(e) Lots created by court order for adverse possessions or divorces in which the adverse possession or divorce decree is prior to July 26, 1999;

(f) Lots exempted under LCC 16.02.040, and lots transferred to a bona fide innocent purchaser for value in accordance with this title.

(g) Properties bisected by navigable streams or any public or railroad right-of-way (opened or unopened) create legal property boundaries. If the right-of-way is vacated and parcels on both sides are in same ownership, the lots are consolidated unless there is evidence of an action or intent to divide prior to the vacation;

(2) Lots of record do not include:

(a) Contiguous shoreline lots in the same ownership that were not in conformance with the Lewis County Shoreline Master Program on July 26, 1999 are deemed single, undivided lots; except that if each lot legally contained a dwelling on that date, and otherwise complied with the above-listed subdivision regulations, they remain separate legal lots; or

(b) Tax parcels in contiguous ownership, whether or not developed, shall be considered a single lot for purposes of this subdivision ownership. The extent of development on such parcel or parcels may be used to determine whether such development is conforming or nonconforming use pursuant to Chapter 17 LCC, but such development per se, does not create a legal lot of record for such tax parcels for purposes of sale, lease or transfer of ownership under Chapter 58.17 RCW or the terms of this Chapter 16 LCC.

(c) The transferred portion of a boundary line adjustment recorded with the County Auditor, which property shall be considered a legal part of the transferee’s parcel. [Ord. 1169, §1,I,E, 2000]

16.02.055 Innocent Purchaser and Public Interest Exceptions.

(1) Innocent purchaser exception. The Administrator shall determine that parcels which meet both of the following exception criteria are lots of record, for purposes of LCC 16.02.050

(a) Zoning and Public Health. The parcel meets minimum zoning and public health dimensional requirements,

including lot size, dimensions and frontage width, which are currently in effect or in effect at the time the parcel was created; and

(b) Status. The current property owner purchased the property for value and in good faith, and did not have knowledge of the fact that the property acquired was divided from a larger parcel in violation of the state and County regulations listed under “lots of record” in LCC 16.02.050.

(c) The County shall recognize as a building lot any parcel for which a building permit or septic tank permit was issued prior to July 26, 1999.

(2) Public Interest Exception, Mandatory. The Administrator shall determine that parcels which meet both of the following criteria are lots of record:

(a) Zoning and Public Health. The parcel meets minimum zoning and public health dimensional requirements currently in effect, including lot size, dimensions and frontage width; and

(b) Status.

(i) The property owner completes conditions of approval which the Administrator determines would otherwise be imposed if the parcel had been established through platting under current standards; or

(ii) The Administrator determines that improvements or conditions of approval which would have been imposed if the parcel had been established through platting are already present and completed.

(3) Public Interest Exception, Discretionary. The Administrator may, but is not obligated to determine that parcels meeting the following criteria are lots of record:

(a) Zoning and Public Health. The parcel lacks sufficient area or dimension to meet current zoning and public health requirements but meets minimum zoning dimensional requirements and health requirements, including lot size, dimensions

and frontage width, in effect at the time the parcel was created; and

(b) Status.

(i) The property owner completes conditions of approval which the Administrator determines would otherwise be imposed if the parcel had been established through platting under current standards, or

(ii) The Administrator determines that conditions of approval which would have been imposed if the parcel been established through platting under current standards are already present on the land;

(c) The Administrator shall consider the following factors as favoring a lot of record determination under the discretionary public interest exception, although no one factor is determinative:

(i) The parcel size is consistent with surrounding lots of record,

(ii) Presence of an existing residence on the parcel,

(iii) Recognition of the parcel does not adversely impact public health or safety, or interfere with the implementation of the comprehensive plan,

(iv) The parcel purchase value and subsequent tax assessments are consistent with a buildable lot of record. [Ord. 1169, §1,I,F, 2000]

16.02.060 Regulations mandatory.

Any map, plat, replat, or plan hereafter made of a pro-posed division of land pursuant to this title or any part thereof shall be presented for approval and be recorded as prescribed by this title. No such map, plat, replat, or plan shall be recorded or have any validity unless or until it is approved as may be required by this title. No person shall sell, lease, transfer or offer to sell, lease or transfer any lot, tract or parcel subject to the requirement of this title without first receiving approval hereunder and filing a map of the approved division with the Lewis

County Auditor, provided that if performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land is expressly conditioned on the recording of the plat containing the lot, tract, or parcel, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 and does not violate any provision of this title. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the plat is recorded. [Ord. 1169, §1,I,G, 2000]

16.02.070 Division of lots with more than one residential structure.

(1) Except as limited by subsection (3) of this section, notwithstanding the maximum residential density otherwise allowed by Title 17 LCC, an undivided parcel on which two or more single-family or multiple-family dwellings are located on the effective date of this section may be subdivided to create lots for each of the structures if each of the following conditions are met:

(a) Each of the single-family or multiple-family dwellings was constructed in compliance with all applicable codes and other law;

(b) Each of the single-family or multiple-family dwellings has been occupied as a residence during the year preceding submittal of the preliminary subdivision application;

(c) Any on-site sewage disposal system associated with any such dwelling is functioning properly, is located on the lot being created or is accessible to that lot through an easement, and has an available repair option capable of handling the daily design flow; and

(d) None of the lots are large enough to allow them to be further subdivided under zoning regulations in

effect at the time of division under this section.

(2) Lots created under the authority of this section are exempt only from the density and minimum lot size requirements of Title 17 LCC. Such lots and all land uses carried out on such lots are subject to all other standards and requirements of law, including, but not limited to, lot size requirements for on-site sewage disposal systems contained in Ch.s 8.40 & 8.41 LCC.

(3) Exceptions.

(a) Subsection (1) of this section does not apply to parcels on which more than two mobile homes are located.

(b) Subsection (1) of this section does not apply to dwellings authorized as family member units.

(c) Subsection (1) of this section may only be used when the base density would not allow the creation of lots for each of the existing dwellings. [Ord. 1169, §1,I,H, 2000]

16.02.080 Resource use notice.

The final plat of any subdivision, short subdivision or large lot subdivision, which is on or within five hundred feet of any agricultural or forest land designated Resource Lands or within one thousand feet of any land designated Resource Lands under Chapter 17.30 LCC shall contain the following notice:

The property in this plat is located near designated resource lands of long-term commercial significance. Activities on resource lands may affect residential properties, but so long as such activities are consistent with permit requirements or otherwise consistent with best management practices, such uses are protected under state and county laws.

[Ord. 1169, §1,I,I, 2000]

16.02.085 Vacation of subdivision.

When any person is interested in vacation of any short subdivision, large lot or final plat, or binding site plan, or portion thereof, or any area designated or dedicated for public use within such plat or plan, other than roads, that person shall submit an application request to the Board of County Commissioners consistent with the provisions of RCW 58.17.212. [Ord. 1169, §1, I, J, 2000]

16.02.090 Alteration of subdivision.

When any person is interested in altering any recorded short subdivision, large lot or final plat, that person shall submit an application request to the Board of County Commissioners consistent with the provisions of RCW 58.17.215. [Ord. 1169, §1, I, K, 2000]

16.02.095 Variances.

Variances may be authorized in specific cases from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. It shall be the duty of the Hearing Examiner to hear and decide on all variance requests.

(1) Application Procedures. A variance from the terms of this title shall not be considered unless and until a written application for a variance is submitted to the county containing:

- (a) Name, address and phone number of applicant;
- (b) Name and notarized signature, address and phone number of the legal owner of subject property;
- (c) Legal description of property;
- (d) Zoning designations (if any) on the property;
- (e) Description of variance being requested;

(f) A narrative statement demonstrating that the requested variance conforms to the following standards:

(i) That special conditions and circumstances exist which are peculiar to the land or structure, or building involved and which are not applicable to other lands, structures, or buildings in lands with the same zoning designations;

(ii) That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties with the same zoning designations under the terms of this title;

(iii) That the special conditions and circumstances do not result from the actions of the applicant; and

(iv) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings within the same zoning designations.

(g) If the application includes a variance to a Resource Land designation under Title 17 LCC, the applicant must show that the requested variance conforms to the variance and siting criteria of that title.

(2) Public Hearing and Notification. The Hearing Examiner shall hold a public hearing on all variance requests. Notification of such hearings shall follow the same procedure as outlined in LCC 16.05.110.

(3) Conditions of Variance.

(a) The Hearing Examiner shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

(b) The Hearing Examiner shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this title, and

will not be injurious to the neighborhood, or otherwise detrimental to public welfare.

(c) Under no circumstances shall the Hearing Examiner grant a variance to allow a use not permissible under the terms of this Title within the zoning designation involved, or any use expressly or by implication prohibited by the terms of this Title.

(4) General Conditions and Safeguards. In granting any variance, the Hearing Examiner may prescribe such conditions and safeguards as are necessary to secure adequate protection for the locality in which the use is to be permitted. [Ord. 1169, §1, I, L, 2000]

16.02.100 Development standards.

Any subdivision approval under this title shall specifically include:

(1) Road construction standards as set forth in Resolution 97-441, as it may hereafter be amended;

(2) Health standards for wells and drain fields as set forth in Chapters 8.40 and 8.41 LCC;

(3) Storm water standards as set forth in Chapter 15.45 LCC; and

(4) Flood hazard standards as set forth in Chapter 15.35 LCC, provided, however, Lewis County is in the process of updating the flood hazard maps in concert with the U.S. Army Corps of Engineers. Where the U.S. Army Corps has identified a flood way or a flood plain on an official report on file with the County Public Works Director, said designated flood way or flood plain map shall supersede the FEMA/FIRM flood hazard maps. [Ord. 1169, §1, I, M, 2000]

Chapter 16.04

DEFINITIONS

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16.04.010 Definitions generally.

As used in this title, unless the context or subject matter clearly requires otherwise, the following words or phrases shall be given the meaning attributed to them by this title. The term “shall” is always mandatory and the word “may” indicates a use of discretion in making a decision. Words not specifically defined herein shall be defined by the most recent edition of the American Heritage Dictionary at the office of the Lewis County board of county commissioners. [Ord. 1169, §1,II,A, 2000]

16.04.025 Administrator.

“Administrator” means the Lewis County Director of Community Development, or his designated representative, who is vested with the duty of administering subdivision and platting regulations within the unincorporated

area of Lewis County. [Ord. 1169, §1,II,B, 2000]

16.04.030 Alley.

“Alley” is a strip of land dedicated to public use providing vehicular and pedestrian access to the rear side of properties which abut and are served by a public street. [Ord. 1169, §1,II,C, 2000]

16.04.040 Auditor.

“Auditor” means the auditor of Lewis County, Washington. [Ord. 1169, §1,II,D, 2000]

16.04.043 Binding site plan.

“Binding site plan” means a drawing to a scale specified by this title which: (A) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this title; (B) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the Site Plan Review Committee in 16.15.050 and 16.15.060 LCC; and (C) contains provisions making any development be in conformity with the site plan. [Ord. 1169, §1,II,E, 2000]

16.04.050 Block.

“Block” means a group of lots, tracts or parcels within well-defined and fixed boundaries identified in a plat filed with the County Auditor. [Ord. 1169, §1,II,F, 2000]

16.04.055 Board.

“Board” means the Board of Lewis County Commissioners. [Ord. 1169, §1,II,G, 2000]

16.04.060 Buildable lot.

“Buildable lot” means a lot meeting all of the requirements of size, shape, frontage, sanitation, etc., contained in this title and other ordinances of Lewis County, for any specific type of development. For purposes

of this title the acreage shall be measured to the centerline of any right of way fronting the lot. [Ord. 1169, §1,II,H, 2000]

16.04.070 Building line.

“Building line” means a line on a plat indicating the limit beyond which any portion of a building, structure, septic tank, etc., may not be placed. This may be applied by the subdivider or recommended by the Planning Commission when certain conditions exist which make special setbacks necessary. [Ord. 1169, §1, II, I, 2000]

16.04.080 Building site.

“Building site” means a parcel of land occupied or possible to be occupied by one main building and its accessory buildings, in a way that meets the requirements for setbacks and open space in the Lewis County Zoning Ordinance, and meets the requirements of the Lewis County Sanitary Code, and, if applicable, meets the setback and lot coverage requirements of the shoreline master program for Lewis County. [Ord. 1169, §1,II,J, 2000]

16.04.085 CARL.

“CARL” refers to the Lewis County critical areas and resources lands ordinances. [Ord. 1169, §1, II, K, 2000]

16.04.087 Cluster development.

“Cluster development” is a residential development alternative where structures are arranged in closely related groups rather than spreading houses uniformly over an entire tract. Building will take place at high densities in certain areas and natural features are preserved in others. Cluster developments are based on the concept of density transfer where the overall density is within acceptable limits but the individual density of clusters and open space may be higher or lower than average. [Ord. 1169, §1, II, L, 2000]

16.04.090 Comprehensive Plan.

“Comprehensive Plan” means a plan adopted by the Board of County Commissioners as a guide to the growth and improvement of Lewis County, including modifications or refinements which may be made from time to time. [Ord. 1169, §1, II, M, 2000]

16.04.093 Conforming lot.

“Conforming lot” means any lot, tract, or parcel which complies with the minimum lot size and minimum lot width standards in accordance with the Lewis County Zoning Ordinance and the shoreline master program for Lewis County. [Ord. 1169, §1, I, N, 2000]

16.04.096 Contiguous land.

“Contiguous land” is land adjoining and touching other land and having the same owner regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased at different times, lie in different sections, are different government lots or are separated from each other by private road or private rights-of-way. See generally Sections 16.02.050 & 16.04.178 LCC. [Ord. 1169, §1,II,O, 2000]

16.04.100 County.

“County” means the county of Lewis, State of Washington. [Ord. 1169, §1, II, P, 2000]

16.04.110 Cul-de-sac (dead-end street).

“Cul-de-sac” is a street closed at one end by an area of sufficient size for turning vehicles around. [Ord. 1169, §1,II,Q, 2000]

16.04.120 Declaration of subdivision.

“Declaration of subdivision” means a document, signed by the owners and acknowledged before a notary public, which contains the following elements:

(1) Legal description of the tract being divided and all parcels contained therein;

- (2) Final survey map;
- (3) Any restrictive covenants;
- (4) A statement by the signatory that he is in fact the owner of the property being subdivided;
- (5) An agreement by the signatory to indemnify the County for all costs or damages including attorney's fees incurred by or charged against the County as a result of the signatory not being the owner of the property being subdivided; and
- (6) A statement by the owner that the subdivision is made with his free consent. [Ord. 1169, §1,II,R, 2000]

16.04.130 Dedication.

“Dedication” is the deliberate appropriation of land by an owner for any general and public uses, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the County Auditor. A dedication of an area of less than two acres for use as a public park may include a designation of a name for the park, in honor of a deceased individual of good character. [Ord. 1169, §1,II,S , 2000]

16.04.136 Division or division of land.

“Division” or “division of land” means a subdivision, short subdivision or large lot subdivision not otherwise exempt or provided for as a lot(s) of record within this title, which alters the legal description of any lot, tract, parcel or portion thereof. [Ord. 1169, §1,II,T, 2000]

16.04.140 Easement.

“Easement” is a right, whether created by grant or prescription, to use certain lands

of another for a specific purpose or purposes. [Ord. 1169, §1,II,U, 2000]

16.04.145 Environmental health standards.

“Environmental health standards” are those rules and regulations of the Lewis County board of health for sewage disposal systems and public water supply systems. [Ord. 1169, §1,II,V, 2000]

16.04.150 Final approval.

“Final approval” means the final official action taken by the Board of County Commissioners on the proposed plat, subdivision or dedication or portion thereof as previously received preliminary approval. [Ord. 1169, §1,II,W, 2000]

16.04.160 Final plat.

“Final plat” is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in Chapter 58.17 RCW and this title. [Ord. 1169, §1,II,X , 2000]

16.04.165 Final short plat.

“Final short plat” means the final drawing of the short subdivisions, including any dedications thereon and containing all elements and requirements adopted pursuant to this title. [Ord. 1169, §1,II,Y, 2000]

16.04.173 Frontage.

“Frontage” denotes the boundary line which abuts the principal means of access to the property. [Ord. 1169, §1,II,Z, 2000]

16.04.175 Home, model.

“Model home” is a home or homes constructed on site prior to final plat approval which may or may not be used for purposes of advertising various floor plans and styles of architecture found within a residential subdivision. [Ord. 1169, §1,II,AA, 2000]

16.04.176 Land.

“Land,” as a unit for determining subdivision, means contiguous land in one ownership. [Ord. 1169, §1,II,BB, 2000]

16.04.178 Land, contiguous.

“Land, contiguous” or “contiguous land” means land adjoining and touching other land, including such touching at a finite point, with a common owner or owners, regardless of whether or not portions of the parcels have separate tax parcel numbers, were purchased at different times, lie in different sections, are government lots or are separated from each other by roads or rights-of-way, unless such roads are under the jurisdiction of and maintained by a city, town, county, the state of Washington or the federal government. See also, Section 16.04.096 LCC. [Ord. 1169, §1,II,CC, 2000]

16.04.180 Lot.

“Lot” is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels. [Ord. 1169, §1,II,DD, 2000]

16.04.183 Large lot subdivision.

“Large lot subdivision” means the division of contiguous land, for purposes of sale, lease or transfer of ownership, into two or more lots, all of which are five acres or one-one hundred twenty-eighth of a section of land or larger, and any one of which is smaller than twenty acres or one-thirty second of a section of land. [Ord. 1169, §1,II,EE, 2000]

16.04.184 Nonconforming lot.

“Nonconforming lot” means any lot, tract, or parcel which does not comply with the minimum lot size and minimum lot width standards in accordance with the Lewis County zoning code in Title 17 LCC

and the shoreline master program for Lewis County. [Ord. 1169, §1,II,FF, 2000]

16.04.185 Open space.

“Open space” means land having value for the following:(A)Parks and recreation purposes; (B)Conservation of land and other natural resource purposes; and (C Scenic and historical purposes.[Ord. 1169,§1,II,GG, 2000]

16.04.186 Owner.

“Owner” means the owner of record, as determined by the records of the County Auditor, provided that the owner under a real estate contract is the purchaser-vendee and the owner of mortgaged property is the mortgagor. [Ord. 1169, §1,II,HH, 2000]

16.04.190 Person.

“Person” means an individual, firm, copartnership, association, corporation, or other legal entity. [Ord. 1169, §1,II,II, 2000]

16.04.195 Planned unit development.

“Planned unit development” is a land development project which is planned as an entity, grouping dwelling units into clusters, allowing for an appreciable amount of land for open space, mixing housing types and land uses, and preserving useful historical or significant natural features. [Ord. 1169, §1,II,JJ, 2000]

16.04.210 Plat.

“Plat” is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions or dedications. [Ord. 1169, §1,II,KK, 2000]

16.04.220 Preliminary approval.

“Preliminary approval” means the official written action approving a proposed division of land when provision of improvements or fulfillment of conditions are to occur prior to final approval. The

applicant shall be entitled to final approval when the conditions are met or improvements are provided. [Ord. 1169, §1,II,LL, 2000]

16.04.230 Preliminary plat.

“Preliminary plat” is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of Chapter 58.17 RCW. The preliminary plat shall be the basis for the approval or disapproval of the general layout of the subdivision. [Ord. 1169, §1,II,MM, 2000]

16.04.231 Private road.

“Private road” is a road intended for the use of one or more private individuals and developed and maintained by those private individuals who benefit from its establishment. [Ord. 1169, §1,II,NN, 2000]

16.04.232 Public road.

“Public road” is a maintained city street, county road, or state or federal highway over which every person has the right to pass and use for all purposes of travel or transportation to which it is adapted and developed. [Ord. 1169, §1,II,OO, 2000]

16.04.233 Public utilities.

“Public utilities” include, but are not limited to, electricity, water, natural gas, sewer, telephone, television cable and/or any other utility generally serving the public needs. [Ord. 1169, §1,II,PP, 2000]

16.04.234 Public water system.

“Public water system” means any system, excluding a system serving only one single residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, as

further defined and described in RCW 70.119.020 and WAC 246-290-010. [Ord. 1169, §1,II,QQ, 2000]

16.04.235 Purveyor.

“Purveyor” means an agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or other entity owning or operating a public water system. “Purveyor” also means the authorized agents of such entities. [Ord. 1169, §1,II,RR, 2000]

16.04.236 Recreational vehicle park.

“Recreational vehicle park” means any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for temporary occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. For the purposes of this title, all recreational vehicles shall be licensed by the state of Washington or other comparable jurisdiction as a vehicle. In addition, mobile homes shall not be considered to be recreational vehicles. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.04.237 Recreational vehicle park, seasonal.

“Seasonal recreational vehicle park” means those recreational vehicle parks that are approved for stays of no more than 180 days (cumulative) within any calendar year. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.04.238 Recreational vehicle park, transient.

“Transient recreational vehicle park” means those recreational vehicle parks approved for transient stays of not more than 60 days (cumulative) within any calendar year. These parks are “tourist oriented” and usually have recreation and other facilities.

[Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.04.240 Required improvements.

“Required improvements” are the construction and installation by the subdivider of utilities and facilities proposed for subdivision. These may include, but not be limited to, domestic water supply systems; fire hydrants; community sewage disposal systems including sanitary sewers; electrical power, natural gas, telephone, and cable television lines and facilities; roadways (both public and private); storm water drainage systems; and any other improvements specifically required as a condition of preliminary plat approval. [[Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000; Ord. 1169, §1,II,SS, 2000]

16.04.245 Reverse frontage lots.

“Reverse frontage lots” means a lot which has two opposite sides abutting two parallel or approximately parallel streets. [Ord. 1169, §1,II,TT, 2000]

16.04.250 Right-of-way.

“Right-of-way” means the area between boundary lines of a public street, alley or other public way (including railroads and public utilities). [Ord. 1169, §1,II,UU, 2000]

16.04.260 Roadway.

“Roadway” means that portion of a right-of-way that is improved and maintained for vehicular and/or pedestrian traffic. [Ord. 1169, §1,II,VV, 2000]

16.04.265 Sale, lease, or transfer of ownership.

“Sale, lease, or transfer of ownership” means the conveyance of title or ownership other than as specifically exempted in LCC 16.02.040. This definition shall specifically include gifts, or love and affection transactions. [Ord. 1169, §1,II,WW, 2000]

16.04.267 Satellite management agency (SMA).

“Satellite management agency (SMA)” means an individual, purveyor, or entity that is approved by the State Board of Health to own or operate more than one public water system on a regional or county-wide basis, without the necessity for a physical connection between such systems. [Ord. 1169, §1,II,XX, 2000]

16.04.270 Short plat.

“Short plat” is the map or representation of a short subdivision. [Ord. 1169, §1,II,YY, 2000]

16.04.280 Short subdivision.

“Short subdivision” is the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership. [Ord. 1169, §1,II,ZZ, 2000]

16.04.290 Street.

“Street” means a right-of-way which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

(1) Arterial Street “Arterial street” means a street which is used primarily for through traffic or which by its location will likely be needed for such use in the normal growth of the community, as defined by the adopted arterial street map.

(2) Collector Street. “Collector street” means a street other than an arterial which is used primarily for carrying traffic to one or more arterials, and which is identified on the adopted arterial street map.

(3) Local Street. “Local street” means a street used primarily for access to abutting property. [Ord. 1169, §1,II,AAA, 2000]

16.04.300 Subdivider.

“Subdivider” is any person, firm, corporation, partnership, or association which causes to be divided or redivided any lot, block, or other parcel of land. [Ord. 1169, §1,II,BBB, 2000]

16.04.310 Subdivision.

“Subdivision” is the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership, except as provided by Chapter 16.10. LCC. [Ord. 1169, §1,II,CCC, 2000]

16.04.320 Utilities easements.

“Utilities easements” mean rights-of-way which may be used by public and/or private utilities for the construction, operation, maintenance, alteration, and repair of the respective facilities. [Ord. 1169, §1,II,DDD, 2000]

Chapter 16.05

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Article I. General Provisions

16.05.010 General provisions.

(1) Title. The title of this chapter shall be the Lewis County subdivision chapter.

(2) Suitability for Subdivision. Land found to be unsuitable for division for want of conformance to applicable regulation or evidence presented to the commission of flooding, bad drainage, steep slopes, rock formations, or other features likely to be harmful to the safety and general health of

future residents shall not be permitted to be divided unless adequate methods are provided for overcoming these conditions.

(3) Conformance with Standards and Policies. All installation of improvements, including those serving but located outside the subdivision, shall be installed in conformance with all applicable regulations adopted by Lewis County.

(4) Administrator. The Lewis County Director of the Community Development Department or his designated representative, hereafter referred to as the Administrator, is vested with the duty of administering subdivision and platting regulations in the unincorporated areas of Lewis County, and may prepare and require the use of such forms as are essential to their administration. [Ord. 1169, §1,III,A, 2000]

Article II. Purpose

16.05.020 Purpose.

The purpose of this chapter is to regulate the division of land into five or more lots in compliance with RCW 58.17.030 as amended. [Ord. 1169, §1,III,B, 2000]

Article III. Scope

16.05.030 Scope.

(1) Applicability. Every subdivision of land into five or more lots as defined herein shall proceed in compliance with this chapter. Land divided by short subdivision within five years immediately preceding shall be subdivided pursuant to this chapter.

(2) Exemptions. The provisions of this chapter shall not apply to:

(a) Cemeteries and other burial plots while used for that purpose;

(b) Divisions of land into lots or tracts each of which is 1/128th of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for the purposes of computing the size of

any lot under this chapter which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the side lot lines of the lot running perpendicular to such centerline;

(c) Divisions made by testamentary provisions, or the laws of descent;

(d) A division for the purpose of lease when no structure other than mobile homes or travel trailers are to be placed on the land and the county has approved a binding site plan for the use of the land in accordance with the requirements of Chapter 15.30 LCC as now or hereafter amended;

(e) A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

(f) Divisions of land into lots or tracts zoned or designated within urban growth areas for industrial or commercial development, rural industrial and commercial areas, and urban commercial and industrial reserve areas, when the county has approved a binding site plan for the use of the land in accordance with commercial binding site plan regulations, now or hereinafter existing.

(3) Redivision of Land Within an Existing Subdivision. The further division of any lot situated within an existing full subdivision established pursuant to either Chapter 58.16 or 58.17 RCW or this chapter, into four lots or less for purposes of sale, resale, lease or transfer of ownership shall proceed in compliance with Chapter 16.10 LCC, as now or hereafter amended. [Ord. 1169, §1,III,C, 2000]

Article IV. Preliminary Plat Procedure

16.05.040 Preapplication site inspection.

Prior to the filing of a preliminary plat, the subdivider or the subdivider's agent, surveyor, or engineer shall request, in writing, a site inspection of the subject property from the Administrator .

(1) Site Inspection Fee. A nonrefundable fee as set forth in LCC 18.05.070(2) shall be paid to the Lewis County planning department. If within a period of one year of the date of the site inspection a preliminary plat is filed for the property, the site inspection fee shall be deducted from the plat fee. (See Chapter 18.05 LCC for fee schedule.)

(2) Site Inspection Team. At the inspection the subdivider or his representative and the Administrator shall, if possible, be accompanied by the following:

(a) A representative of the Lewis County community development division, environmental services section;

(b) The Lewis County public works division subdivision and utility inspector;

(c) The natural resources conservation service district conservationist or his representative;

(d) A Lewis County community development division critical areas/resource lands (CARL) technician; and, if applicable

(e) The subdivider's "qualified critical area professional", as provided for in Chapter 17.35 LCC.

(3) Preliminary Sketch Map. A preliminary sketch map shall be prepared at a scale and in detail sufficient to indicate the essential characteristics of the proposed subdivision which may include the general layout of lots and their size, road locations and widths, the location of any important reservations or easements, the general nature and extent of drainage, and any other information that would assist the inspection team during their review.

(4) Review and Recommendations. The Administrator shall receive the written comments of the inspection team as they deem proper regarding the preliminary sketch map within seven days of the inspection. The Administrator shall then forward said comments along with a letter stating the site inspection requirement has been fulfilled to the subdivider.

(5) Determination of Soil Characteristics. For those proposed subdivisions which would utilize on-site subsurface sewage disposal, the subdivider shall satisfy the requirements of applicable sewage disposal system rules and regulations of the Lewis County health board, enforced by the environmental health section, or applicable regulations of the Washington Administrative Code for minimum lot size prior to the filing of any preliminary plat application.

(6) Consent to Access. The applicant shall permit free access to the land being subdivided to all agencies considering the subdivision for the period of time extending from the time of application to the time of final action. The public agencies shall make a good faith effort to notify the applicants when a site inspection will be made. [Ord. 1169, §1,III,D, 2000]

16.05.050 Preliminary plat - Application.

Any person desiring to subdivide land in the unincorporated area of Lewis County shall submit an application for preliminary plat approval to the Administrator on such forms as required by the Administrator. In addition to sufficient copies of the preliminary plat the applicant shall submit a completed environmental checklist, CARL review, and designs for surface drainage and sewage disposal. Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from date of filing thereof unless the applicant consents to an extension

of such time period or the 90-day limitation is extended to include up to 21 days as specified under RCW 58.17.095(3); provided, that if an environmental impact statement is required as provided in RCW 43.21C.030 and Chapter 17.10 LCC, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. [Ord. 1169, §1,III,E, 2000]

16.05.060 Fees.

The fees for this chapter are set forth in LCC 18.05.070. [Ord. 1169, §1,III,F, 2000; Ord. 1158C, 1999]

16.05.070 Copies required.

A subdivider shall submit with his application either one reproducible mylar copy or 16 blueprint copies of the preliminary plat. [Ord. 1169, §1,III,G, 2000]

16.05.080 Processing.

Upon receipt of a complete preliminary plat application the Administrator shall affix a file number and date of receipt to the application and promptly forward copies of the plat with a request for comment to the following agencies as appropriate:

(1) County engineer (or, in the alternative, the applicant may elect to utilize a licensed engineer, as selected by the county engineer from a list of approved engineers, at the expense of the applicant);

(2) County works division subdivision and utility inspector, and the community development division, subdivision and CARL technicians;

(3) Lewis County building official;

(4) Lewis County fire marshal;

(5) Lewis County environmental health section;

(6) Other county officials concerned within the scope of their municipal functions;

(7) The proper city officials when the subject property is within one mile of the corporate limits of any city or town;

(8) Engineer of the Washington State Department of Transportation when the subject property is adjacent to the rights-of-way of existing or proposed state highways;

(9) Local school district;

(10) Local fire district;

(11) Utility purveyors;

(12) Lewis County natural resources conservation district;

(13) Municipalities whose urban growth boundaries or urban reserve areas overlay any portion of the subject property;

(14) Any other agency with interest, expertise, or jurisdiction. [Ord. 1169, §1,III,H, 2000]

16.05.090 Recommendations of other agencies.

(1) Each of the departments, municipalities, districts, public officials, utility companies, or other public agencies shall have 20 days after the plat has been received by their respective offices within which to forward to the Administrator written reports of its comments and recommendations.

(2) County Engineer - Public Works Division. The public works division shall submit a report on:

(a) The improvements required under the provisions of this chapter;

(b) Any easements that may be required;

(c) The effect of subdivision development on drainage in the general area, and the adequacy of the plan for handling drainage and storm water runoff submitted by the subdivider;

(d) Effects of the proposed subdivision on other public improvements under the jurisdiction of the county engineer/public works division;

(e) The accuracy of the technical information submitted;

(f) The adequacy of lot arrangement and dimensions for providing driveway access to buildings on such lots from an approved street;

(g) The adequacy of any proposed public and private roadways;

(h) The adequacy of transit stops, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.

(3) Lewis County Environmental Health Section. The environmental health section shall submit a report on:

(a) Adequacy of the proposed method of sewage disposal;

(b) Adequacy of the proposed method of domestic water supply, and incorporating the determination of potability by the building official;

(c) The adequacy of lot arrangement and dimensions for obtaining any necessary sewage permits;

(d) Other matters related to the proposed subdivision which may affect public health.

(4) Lewis County Building Official. The county building official shall submit a report on:

(a) The adequacy of lot arrangement and dimensions for securing necessary building permits;

(b) Compliance with Chapter 15.15 LCC as now or hereafter amended;

(c) Compliance with the Chapter 15.35 LCC as now or hereafter amended;

(d) The availability of potable water.

(5) Lewis County Fire Marshal. The county fire marshal shall submit a report on:

(a) The adequacy of access for emergency vehicles;

(b) Adequacy of the water supply for fire protection purposes;

(c) Fire hydrant location and adequacy;

(d) Other matters affecting fire safety and fire protection, including any temporary fire protection measures needed during the construction phase of the subdivision.

(6) The Administrator. After receiving a complete application, the Administrator shall submit a report, as below stated, or return the application to the applicant for modification or correction within sufficient time so as to permit a hearing decision within 90 days, unless the applicant consents in writing to an extension of such time. The Administrator shall submit a report to the hearing examiner regarding the conformance of the proposed subdivision to the requirements of this chapter. [Ord. 1169, §1,III,I, 2000]

16.05.100 Hearing examiner hearing date.

The Administrator, following the receipt of an application completed in compliance with the requirements of this article, shall set the date for public hearing before the Lewis County hearing examiner. Said hearing shall be held in accordance with Chapter 2.25 LCC. Any application for which an environmental impact statement (EIS) is required shall not have its hearing until a final EIS for the project is issued. [Ord. 1169, §1,III,J, 2000]

16.05.110 Notice of public hearing.

The Administrator shall give notices of a public hearing before the hearing examiner as follows:

(1) By arranging for publication of notice of hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located to appear not less than 10 days prior to the hearing date.

(2) Through the U.S. Mail, postmarked at least 10 days prior to the date of the hearing to the following:

(a) The latest recorded adjacent property owners as shown by the records of the county assessor within at least 300 feet of any portion of the boundary of the subject property. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this subsection shall be given to owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided;

(b) The legislative authority of any city or town within one mile of the proposed subdivision;

(c) The State Department of Transportation if the proposed subdivision is adjacent to the right-of-way of any state highway or within two miles of the boundary of a state or municipal airport.

(3) By posting notice of such hearing on the subject property and in at least five conspicuous places designed to attract public awareness of the proposal not less than 10 days prior to the hearing date.

(4) By any other reasonable method deemed appropriate by the Administrator.

(5) All hearing notices shall include the following:

(a) The date, time, and place of the hearing;

(b) A brief legal description of the location of the proposed subdivision and either a vicinity sketch or a location description in nonlegal language. [Ord. 1169, §1,III,K, 2000]

16.05.120 Public hearings.

(1) Scope and Continuance.

(a) At the public hearing the hearing examiner shall consider all relevant evidence and shall take action to recommend to the board that the preliminary

plat be approved, approved with conditions, or disapproved.

(b) Every recommendation to the board regarding the approval or disapproval of a preliminary plat shall be in writing and shall include findings of fact and conclusions to support the recommendation.

(c) The hearing examiner shall consider the preliminary plat application for conformance to any adopted comprehensive plan and planning standards and specifications and with other policies and standards of the county and that: (i) appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; (ii) the public use and interest will be served by the platting of such subdivision and dedication. If the examiner finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the examiner shall recommend approval of the proposed subdivision and dedication. Dedication of land to any public body and/or provision of public improvements to serve the subdivision may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat; and (iii) if the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the examiner and the board shall adopt the designated name.

(d) The public hearing may be continued by the hearing examiner if the applicant consents to an extension of such

time period and waives time limitations for land use application processing under state and local regulations. Should the hearing examiner find that additional information is needed to evaluate the proposed subdivision for purposes of making a recommendation to the board, but that the subdivider does not consent continuance and waiver, hearing examiner may consider the need for additional information as sufficient cause for recommending denial of an application.

(2) Records. Records of the hearing examiner's hearings on preliminary plats shall be kept by the Administrator for review by the board prior to its next regularly scheduled public meeting and shall be open to public inspection.

(3) Report to Board. Not later than 14 days following the conclusion of the hearing the hearing examiner, in accordance with Chapter 2.25 LCC, except as amended hereunder, shall submit its written report and recommendations to the board. Any recommended conditions of approval and a statement of findings shall be precisely stated in the hearing examiner's report and shall include recommended protective improvements. [Ord. 1169, §1,III,L, 2000]

16.05.130 Board action.

(1) Upon receipt of the hearing examiner's recommendations, the board shall at its next public meeting set the date for the public meeting where it shall consider the recommendations of the hearing examiner. During its consideration, the board shall inquire into the public use and interest to be served by the establishment of the subdivision or any dedication, based on the record established at the public hearing. If, after considering said recommendations at a public meeting, the board deems a change in the hearing examiner's recommendation approving or disapproving any preliminary plat is necessary, the board shall adopt its own

recommendations and approve or disapprove the preliminary plat.

(2) Every decision made by the board under this chapter to approve or disapprove a preliminary plat shall be in writing and shall include findings of fact and conclusions to support the decision.

(3) Records. Records of the public hearings and public meetings concerning a preliminary plat shall be kept by the Administrator and by the clerk of the board, respectively, and shall be open to public inspection. [Ord. 1169, §1,III,M, 2000]

16.05.140 Preliminary plat approval.

(1) Approval of the preliminary plat by the board shall provide notice to the subdivider that he may proceed to develop the subdivision's facilities and required improvements with assurance of final plat approval subject to subsection (3) of this section if within five years the facilities and required improvements are developed in strict accordance with the standards established by this chapter and imposed by the board. The authorization shall not imply approval to convey lots.

(2) Work Schedule - Inspections. Any improvement work requiring review and approval by the county engineer/public works division shall not commence until the preliminary plat has been approved by the board and until the improvement plans have been checked for accuracy and approved by the county engineer/public works division. As the improvement work is undertaken, the subdivider shall arrange all those inspections required by the county engineer/public works division. No stage of construction shall proceed until the preceding stage has been inspected.

(3) Expiration. The approval given to a preliminary plat shall expire five years following approval by the board, unless within those five years an application for final plat approval is filed with the Administrator. A subdivider who files a

written request with the board 30 days before the expiration of this five-year period shall be granted one, and may be granted additional, one-year extensions upon a showing that the subdivider has attempted in good faith to submit the final plat within the five-year period. Absent the granting of additional one-year extensions, if the final plat is not approved within six years from the date of original approval by the board, such approval of the preliminary plat shall be null and void. These expiration provisions shall apply retroactively to any preliminary plat pending before the board as of the date of approval of this codification, where the authority to proceed with the filing of a final plat has not lapsed under any applicable prior Lewis County time periods.

(4) Minor or Major Adjustments. Once the preliminary plat has been approved, it shall not be altered without receiving additional approvals. Minor adjustments may be applied for by the plat applicant, with approval requiring the concurrence of the Department of Community Development and Department of Public Works. Major adjustments, by contrast, are alterations which are determined to be of a substantial nature by the Planning Manager, requiring reconsideration of one or more of the approval elements under LCC 16.05.120(c). Major adjustments may be applied for by the plat applicant, and shall be resubmitted to the hearing examiner, and to the Board, in accordance with the public hearing process under LCC 16.05.050 through 16.05.130. [Ord. 1169, §1,III,N, 2000]

16.05.150 Preparation of preliminary plats.

The preparation of every preliminary plat shall be made by or under the direction of a land surveyor or engineer licensed by the state of Washington. [Ord. 1169, §1,III,O, 2000]

16.05.160 Standard format.

Every preliminary plat shall consist of one or more maps, the horizontal scale for which shall not be greater than 50 feet or less than 200 feet to the inch, together with any written data necessary to clearly show the following information:

(1) The name of the proposed subdivision. This name shall not duplicate or nearly duplicate the name of any other subdivision in the county unless it is an addition thereto;

(2) The name of the subdivider;

(3) The name of the land surveyor or engineer;

(4) The boundary lines of the proposed subdivision;

(5) The total acreage of the proposed subdivision;

(6) Any monuments and markers of record;

(7) The boundaries of all blocks and lots within the proposed subdivision together with the numbers to be assigned to each lot and block. Parcels dedicated to the public shall be shown by letter designation;

(8) The total number of lots;

(9) The smallest, largest, and average lot sizes in the tract;

(10) The location, width, and names of all existing or proposed streets, alleys, or easements within the tract or adjacent thereto and indication as to whether the proposed roads will be public or private;

(11) The location and size, where known, of all existing structures, watercourses, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, and other important existing features within the proposed development, provided that the applicant may request a variance in accordance with LCC 16.02.095 from surveying and mapping of watercourses;

(12) Contours of sufficient interval to show the general topography of the proposed subdivision;

(13) The approximate profile of all proposed streets;

(14) The location of land intended to be dedicated or temporarily reserved for public use or to be reserved in the deeds for the common use of the property owners within the proposed subdivision with the purpose, conditions or limitation of such reservations clearly indicated. The ownership of all such parcels shall also be indicated;

(15) The date, north arrow, proposed methods of sewage disposal, proposed source and method of domestic water supply;

(16) The probable boundaries of any portion or portions of the plat for which successive or separate final plats are to be filed;

(17) The eventual use of each lot shall be identified (i.e., single-family residential, multifamily residential, commercial, industrial, etc.);

(18) The names and addresses of all other land owners within the boundaries of the plat besides the subdivider. [Ord. 1169, §1,III,P, 2000]

16.05.170 Subdivision design and minimum standards.

Every subdivision shall conform with design standards as provided for in Article VI of this chapter. [Ord. 1169, §1,III,Q, 2000]

Article V. Final Plat Procedure

16.05.180 Filing period.

At any time within five years of the date of preliminary plat approval following board approval of a preliminary plat, the subdivider may cause the subdivision to be surveyed and a final plat to be prepared. The original copy shall be filed with the Administrator. Any failure to record a final plat within time limits specified in LCC 16.05.140(3) shall terminate all proceedings. The final plat shall be prepared in

accordance with the provisions of LCC 16.05.240 and shall be submitted to the Administrator not less than 15 days prior to the date of the meeting at which the board will be requested to act thereon. [Ord. 1169, §1,III,R, 2000]

16.05.190 Review by Administrator.

The Administrator shall verify:

(1) That the final plat meets all standards established by Chapter 58.17 RCW and this chapter relating to final plats;

(2) That all conditions of preliminary plat approval have been met. No agency shall modify the conditions of approval without the consent of the subdivider;

(3) That the proposed final plat bears all the dedications, acknowledgments, and endorsements required by LCC 16.05.240(2). The subdivider shall be responsible for obtaining the endorsement of the county treasurer and the signature of the property owner(s) and the signature of the subdivider's surveyor prior to filing;

(4) That a title report from a title insurance company authorized to do business in the state of Washington confirms that title of the land in the proposed subdivision is vested in the name of the owner(s) whose signatures appear in the plat dedication. The report shall have been issued within 30 days of the filing of the final plat;

(5) That all private facilities and improvements required to be provided by the subdivider have been completed and that any such required public facilities or improvements have been completed or that the requirements of LCC 16.05.260 have been satisfied;

(6) That any maintenance agreement required by LCC 16.05.360 has been submitted with the final plat;

(7) That the recommendation of any agency furnishing sewage disposal or supplying water as to the adequacy of the proposed means of sewage disposal and

water supply has been received. [Ord. 1169, §1,III,S, 2000]

16.05.200 Submission to board.

The Administrator shall acknowledge the receipt of final plat application which meets the requirements of this article and shall forward the original to the board. [Ord. 1169, §1,III,T, 2000]

16.05.210 Board action.

(1) The board, at its next public meeting, shall determine:

(a) Whether the requirements of state law and this chapter, which were in effect at the time of preliminary plat approval, have been satisfied by the subdivider;

(b) Whether all conditions of preliminary plat approval have been met;

(c) Whether, if necessary, the requirements of LCC 16.05.260 have been satisfied.

(2) The board shall thereupon approve or disapprove the proposed final plat. Every decision made by the board under this chapter to approve or disapprove a final plat shall be in writing and shall include findings of fact and conclusions to support the decision. [Ord. 1169, §1,III,U, 2000]

16.05.220 Approval and recording.

The action by the board approving a final plat shall become effective when the subdivider has filed the original copy of the final plat for record in the office of the county auditor, with the notation made of the fact thereof that the same has been approved by the board as herein provided. Failure to so file with the county auditor within 60 days after board action shall automatically cause a lapse of approval, and the same shall not be filed until further approval has been granted by the board. The final plat shall be duly filed with and recorded by the county auditor upon receipt of the full amount of the filing fee according to the provisions of RCW 36.18.010. Two

paper copies of the filed final plat shall be returned to the subdivider. [Ord. 1169, §1,III,V, 2000]

16.05.230 Disapproval of final plat.

Should for any reason the board disapprove a proposed final plat they shall so advise the subdivider thereof in writing stating the reasons of disapproval and advising of the appeal procedure. [Ord. 1169, §1,III,W, 2000]

16.05.240 Standard format.

(1) Maps and Drawings. Every final plat shall consist of one or more sheets each 18 inches by 24 inches clearly and legibly drawn on stable base mylar polyester film. All drawings and lettering on the final plat shall be in permanent black ink. A margin line shall be drawn completely around each sheet leaving an entirely blank margin of two inches on the left side and one inch on the remaining sides. The plat scale shall not be more than 50 feet to the inch nor less than 200 feet to the inch. If more than one sheet is required, each sheet shall be numbered, indexed, and contain the subdivision name. All signatures shall be written in permanent black ink. Every final plat shall include an accurate map of the subdivided land based upon a complete survey thereof. The map shall include the following:

(a) The perimeter of the plat shall be depicted with heavier lines than appear elsewhere in the plat;

(b) All section, township, municipal, and county lines lying within or adjacent to the subdivision;

(c) The location of all monuments or other evidence used as ties to establish subdivision boundaries;

(d) The location of all permanent control monuments found and established within the subdivision;

(e) The length and bearings of all straight lines; the radii, arcs, and semi-tangents of all curves;

(f) The boundaries of the subdivision with complete bearings and lineal dimensions;

(g) The length of each lot line together with bearings and other data necessary for the location of any lot in the field;

(h) The location, width, centerline, and name of all streets within or adjoining the subdivision;

(i) The location and width, shown with broken lines, and description of all easements;

(j) The numbers assigned to all lots and blocks within the subdivision;

(k) Delineation of the floodplain when present.

(2) Written Data. In addition to map(s) and drawings, every final plat shall contain the following written data:

(a) Subdivision name;

(b) Legal description of the land within the subdivision;

(c) The certification of the registered land surveyor who made or under whose supervision was made the survey of the subdivision, in substantially the following language:

I _____, Professional Land Surveyor, do hereby certify that the Plat of _____ is based on an actual survey and that the distances, courses, and angles are shown thereon correctly and that monuments have been set and lot corners staked on the ground as shown on the plat.

Signature of Land Surveyor

(d) A certificate of dedication or a separate written instrument which shall include the following:

Know all men by these present that _____ do hereby declare this plat and dedicate to the public forever

all roads and ways shown hereon together with the right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon.

Following original reasonable grading of roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way, or to hamper proper road drainage. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot shall be done by and at the expense of such owner.

In witness whereof, we have hereunto set our hand(s) and seal this ____ day of _____, 20____.

Signed and sealed _____

State of Washington }
}ss.

County of Lewis }

This is to certify that on this ____ day of _____, 20____, before me, the undersigned, a Notary Public, personally appeared _____ to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that _____ signed and sealed the same as _____ free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year last above written.

Notary Public in and for the
State of Washington, residing at

(e) The endorsements of the required county officials which shall be as follows,

but do not signify acceptance of any improvements of property into county ownership and the county will have no responsibility for their maintenance unless separate agreements to that effect are concluded.

(i) Examined for survey datum, rights-of-way layout, and design of bridges and other structures required by a resolution of approval and approved.

Dated _____

County Engineer

(ii) Examined for ability to conform to Lewis County Health District Regulations pertaining to water supply and sewage disposal and approved.

Dated _____

Health Officer, Lewis
County Board of Health

(iii) I certify that all taxes and delinquent assessments for which the property may be liable as of this date have been paid and that deposits as required by law against taxes that may become payable in the year have been made.

Dated _____

County Treasurer

(iv) Examined for conformance to the conditions of preliminary plat approval and approved.

Dated _____

Director of Community
Development Dept.

(v) Examined and approved.

Dated _____

Chairman, Board of
County Commissioners

(vi) Filed for record at the request of _____, this ____ day of _____, 20____ at _____ minutes past ____ o'clock __M, and recorded in Volume ____ of Plats,

on Page ____, Records of Lewis County, Washington.

Lewis County Auditor

Deputy Auditor

[Ord. 1169, §1,III,X, 2000]

16.05.250 Surveys.

(1) Accuracy. A traverse of the boundaries of the subdivision and all lots and blocks shall close within an error of one foot in 5,000 feet.

(2) Orientation of Subdivision. Primary survey control points shall be referenced to section corners and monuments. Corners of adjoining subdivisions or portions thereof shall be identified and ties shown.

(3) Permanent Control Monuments. Permanent control monuments shall be established at:

(a) All angle points on the boundaries of the subdivision;

(b) The intersections of the centerline of all roads within the subdivision;

(c) The beginnings and ends of all curves on centerline;

(d) Monuments shall be of the type shown on the monument and brass plug standard in the Lewis County road standards for urban and rural design. [Ord. 1169, §1,III,Y, 2000]

16.05.260 Improvement agreement.

(1) Prior to the approval of any final plat by the board, the subdivider shall either install all required improvements and repair any existing streets or other facilities damaged in the development of the subdivision or else execute and file an agreement between himself and Lewis County specifying the period acceptable to the county within which he shall complete all remaining public improvement work to the satisfaction of the county. If he shall fail to complete such work within such period, the county may complete the same and

recover the full cost and expense thereof from the subdivider or his surety. The agreement shall provide for the inspection of all improvements by the county. Such agreement may also provide for:

(a) The construction of improvements in units;

(b) The extension of time under conditions specified therein;

(c) The termination of the agreement upon the completion of construction of improvements deemed by the county to be at least the equivalent of the improvements specified in such agreement and required to be constructed by the subdivider; and

(d) For progressive remittances to the subdivider for any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided in subsection (2) of this section; providing however, that no such progress payments shall be made for more than 90 percent of the value of any installment of work; and provided, that each installment of work shall be completed to the satisfaction of the county.

(2) Bonds.

(a) With the improvement agreement required by this article the subdivider shall submit a performance bond conditioned upon full construction of all required improvements in an amount equal to 125 percent of the estimated costs of said improvements. These estimated costs shall be verified by the county engineer. Said bond shall be executed by a surety company authorized to transact surety business in the state of Washington;

(b) In lieu of a corporate surety, the subdivider may deposit with the county auditor cash or other securities not subject to impairment or discharge in bankruptcy and readily convertible into cash by the county, in an amount fixed by the county engineer at 125 percent of the estimated costs of said improvements.

(3) Monitoring of Improvement Agreements. The Administrator shall monitor the progress of all improvement work covered by improvement agreements and two weeks before the expiration of the period specified for the completion of all improvement work, should said work not be completed to the satisfaction of the county, shall notify the board of said expiration.

(4) Forfeiture of Surety. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and improvement agreement, the county shall complete the same and shall call upon the surety for reimbursement, or appropriate from any deposit funds for reimbursement. If the amount of the surety bond or deposit is less than the costs and expenses incurred by the county, the subdivider shall be liable to the county for the difference.

(5) Release of Surety. No progress payments from such cash deposit or release of surety bond or cash deposit shall be made except upon certification by the county engineer and the Administrator that the work covered thereby has been satisfactorily completed and approval by the board has been granted. [Ord. 1169, §1,III,Z, 2000]

Article VI. Development and Subdivision Design Standards

16.05.270 Access.

Access to the subdivision entrance shall be by public road. [Ord. 1169, §1,III,AA, 2000]

16.05.280 Public roads - Design and construction standards.

All subdivision streets and roads to become part of the county public road system shall conform to the Lewis County road standards for urban and rural design or any variance granted thereto, as approved by the board, in effect at the time any preliminary plat of the subdivision is

submitted for approval. [Ord. 1169, §1,III,BB, 2000]

16.05.290 Private roads.

Private roads shall be allowed in subdivisions when the following criteria are met:

(1) Location. The road location is approved by the county engineer.

(2) Construction Specifications. The private roads shall be constructed to no less than those standards for private roads contained in the Lewis County road standards for urban and rural design, as approved by the board by ordinance or resolution, in effect at the time any preliminary plat is submitted for approval.

(3) Ownership. Private roads within subdivisions shall be owned by a property owner's association and provisions shall be established for their maintenance and repair as specified in LCC 16.05.360. [Ord. 1169, §1,III,CC, 2000]

16.05.300 Design - Lots.

(1) Access. Each lot shall be provided with satisfactory access by means of a public road connecting to an existing public road or by some other legally sufficient right of access which is permanent and inseparable from the lot. Existing forest service roads are not considered suitable access for subdivision purposes unless this provision is waived by the board upon the recommendation of the forest supervisor of the appropriate national forest.

(2) Design. Each lot shall be designed to provide an identifiable feasible building site taken as a rectangle of not less than 1,200 square feet with the narrowest dimension of not less than 16 feet and, if required, an identifiable feasible drainfield area and well location.

(3) Size. The minimum area of each lot shall be determined as follows:

(a) When served by sanitary sewers and community or public water supply the minimum lot size shall be 6,000 square feet;

(b) When served by individual septic tanks and drain fields and/or individual water supply, minimum lot sizes shall meet the requirements of the sewage disposal rules and regulations of the Lewis County board of health;

(c) When other methods of sewage disposal are used such as a community septic system, minimum lot sizes shall be as recommended by the Lewis County board of health or the Washington State Department of Health. If off-lot location of the community drain field is approved and if there is a public water supply then the minimum lot size provided in subsection (3)(a) of this section can be used.

(4) Width. The minimum width for each lot as measured between the midpoints of the side lot lines shall be 60 feet.

(5) Frontage. A minimum road frontage of 30 feet shall be required for each lot.

(6) Reverse Frontage Lots. No residential lot shall have road frontage along two opposite boundaries unless topographical features or the need to provide separation of lots from traffic arterials, commercial activities, or industrial activities justify the designing of reverse frontage lots. For such lots a strip of land not less than 10 feet wide in addition to any other minimum dimension required herein shall be provided along the lot line adjoining such arterials or other disadvantageous use across which there shall be no right of vehicular access.

(7) Design. All lots shall be of compact design; lot lines shall be straight lines except insofar as they may follow the radius of a road curve and may form a three-, four-, or five- sided figure. No easement for access or unusual features as provided in LCC 16.05.330(2) and (3) shall be permitted to bisect a lot.

(8) Markers. Each lot shall have lot markers made of wood with lettering of lot

and block numbers and located to be visible from the road and to be in place prior to final plat approval. [Ord. 1169, §1,III,CC, 2000]

16.05.310 Design - Blocks.

(1) Length. In general, blocks shall be as long as is reasonably possible, consistent with the topography and the needs of convenient access, circulation, control, and safety of street traffic and the type of land use proposed, but ordinarily block lengths shall not exceed 1,500 feet or be less than 500 feet.

(2) Width. Except for reverse frontage parcels, the width of blocks shall ordinarily be sufficient to allow for two tiers of lots of depths consistent with the type of land use proposed; that is normally not less than 200 feet for the sum of two lot depths.

(3) Super Blocks. For large parcels with access provided by a series of cul-de-sacs or loop streets entering from the periphery and for large parcels platted into half acre and larger lots, the criteria in subsections (1) and (2) of this section shall be disregarded in favor of considerations on an individual basis. Blocks of acreage-type lots shall have block lengths and widths that will lend themselves to later resubdivision in accordance with the standards prescribed in this chapter.

(4) Crosswalks. In industrial and commercial plats, crosswalks of not less than 10 feet in width will be constructed at each intersection of roadways. Crosswalks may be required at the midpoint of any block exceeding 1,000 feet in length where such a crosswalk is deemed essential to provide circulation or pedestrian access to business concerns, schools, playgrounds, shopping centers, and other community facilities. The necessity of such crosswalks shall be left to the discretion of the Administrator. [Ord. 1169, §1,III,EE, 2000]

16.05.320 Setbacks.

The designed provision for any building site within a subdivision shall be in compliance with the requirements of Chapter 15.15 LCC as now or hereafter amended. [Ord. 1169, §1,III,FF, 2000]

16.05.330 Easements.

(1) Public Utilities. The subdivider shall submit a letter to the Administrator from each of the proposed service utilities informing the Administrator that the proposed utility construction is adequate and satisfies the needs of both the subdivider and the utility, and is adequate to meet the requirements of the subdivision. The letter shall inform the Administrator as to the general construction plan agreed upon between the subdivider and the utility.

(2) Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines shall be of such width as is adequate for the purpose, including any necessary maintenance roads.

(3) Watercourses. Where a subdivision is traversed by a watercourse, drainage way, waste way, channel, or stream, there may be required a storm water easement or drainage right-of-way extending 15 feet landward from the ordinary high water mark and conforming substantially to the line of such watercourse, drainage way, waste way, channel, or stream. [Ord. 1169, §1,III,GG, 2000]

16.05.340 Design and construction standards - Utility installations.

(1) Public Water Supply. For connection to existing Group A public water systems, installation shall be to the design and construction standards of the supplying utility. For newly created Group A water systems and Group B water systems, installation shall meet Lewis County and Department of Health standards and specifications.

(2) Sanitary Sewers. Installation of sanitary sewers shall be to the design and construction standards of the supplying utility.

(3) Electrical Power, Telephone, Cable Television, and/or Natural Gas. Electrical power and telephone cable shall be provided to each lot. Natural gas and television cable may be required where feasible. Installation shall be to the standards of the supplying utility. Undergrounding shall be required except where determined by the supplying utility not to be feasible. [Ord. 1169, §1,III,HH, 2000]

16.05.350 Fire protection standards.

(1) When Required. The installation of fire hydrants and the sizing of water lines for fire flow shall be required for all subdivisions which either create a new Group A public water supply or connect to an existing Group A system.

(2) Fire Flow Sizing. Water distribution mains on which fire hydrants shall be located shall be sized to the standards specified in a current Insurance Service Office's Guide for Determination of Fire Flow.

(3) Hydrants. When hydrants are required, the spacing between hydrants shall be determined by the appropriate fire protection agency except in those instances where that agency fails to make such a determination in which case said spacing shall be that specified by a current Washington State Chapter, American Public Works Association Standards and Specifications.

(4) Ingress - Egress. For subdivisions of 20 units or more, at least two ingress-egress routes may be required by the County fire marshal or fire protection agency. [Ord. 1169, §1,III,II, 2000]

16.05.360 Maintenance agreements.

(1) When Required. Maintenance agreements, in a form approved by the

Administrator, shall be required for all subdivisions which have private roads, common areas, recreation areas, or utility systems, any of which are jointly owned. These agreements shall be accompanied by a certificate from a private attorney assuring perpetual maintenance of the appropriate property or improvements and shall be submitted prior to final plat approval.

(2) Minimum Contents and Requirements. All maintenance agreements shall at a minimum provide for the following:

(a) Membership of lot owners in a property owner's association established for the maintenance and repair of the appropriate property or improvements;

(b) An equitable means of assessment for maintenance or necessary improvement costs;

(c) Ownership of all improvements; and

(d) Any other matters necessary to guarantee a workable organization.

(3) Encumbrance. Maintenance agreements shall be of record in the office of the Lewis County auditor and shall be referenced by identifying notation on the final plat. [Ord. 1169, §1,III,JJ, 2000]

16.05.370 Flood protection.

Any subdivision which falls within an area of special flood hazard (100-year frequency floodplain) as identified by the Federal Emergency Management Agency shall comply with all the requirements of the National Flood Insurance Program and Chapter 15.35 LCC. [Ord. 1169, §1,III,KK, 2000]

16.05.380 Dedications of land for public uses and open space.

(1) Necessity of Dedications - Public Uses. The burden of proof for the necessity of reservations for public uses shall rest with the agency or individuals deeming it necessary.

(2) When Required. The board may require that suitable land be reserved for such public uses as parks, playgrounds, recreation areas, fire stations, schools, or utility facilities, and the preservation of natural features and amenities where such reservations would be appropriate. Such lands shall remain undeveloped for the period of time set by the board to permit the affected agency to purchase the land.

(3) General Requirements. Each required reservation shall be suitable in size, dimension, topography, and general character and shall have adequate road access for the particular purposes envisioned. The area shall be shown and marked on the final plat as being reserved for the intended purpose. [Ord. 1169, §1,III,LL, 2000]

16.05.390 Nonresidential subdivisions.

(1) A nonresidential subdivision shall be subject to all the requirements of plat approval set forth in this subdivision chapter. A nonresidential subdivision shall be subject to all the requirements of these regulations as well as such additional standards required by the board of county commissioners of Lewis County.

(2) In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

(a) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated;

(b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated;

(c) Special requirements may be imposed by the board with respect to street,

curb, gutter, and sidewalk design and construction;

(d) Special requirements may be imposed by the board with respect to the installation of public utilities, including water, sewer, and storm water drainage;

(e) Reasonable effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing residential areas and provisions for a noise and sight buffer and a permanently landscaped buffer strip when necessary;

(f) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing residential areas. [Ord. 1169, §1,III,MM, 2000]

Article VII. Modification and Appeals

16.05.400 Exemption in case of cluster and planned unit development.

The standards and requirements of this chapter may be modified by the board, upon the recommendation of the hearing examiner in the case of cluster development or planned unit development. The review process shall be the same as for a preliminary and final plat and shall be recorded the same as a subdivision plat. Cluster and planned unit development are also subject to the following provisions:

(1) Special Requirements.

(a) Areas and facilities of joint use shall be retained in title by the developers or deeded to an organization;

(b) All building permits shall only be issued in conformance with an approved development site plan unless variances therefrom are granted by the board.

(2) Information Required.

(a) Preliminary Site Plan. Sixteen blueprint copies or one reproducible mylar copy showing the following shall be submitted:

(i) All information required in LCC 16.05.160,

(ii) Location, dimensions (including heights), and gross floor area of the proposed buildings unless waived by the Administrator,

(iii) Amount and location of off-street parking,

(iv) Sketches of proposed buildings (perspective to establish the character) unless waived by the Administrator,

(v) General landscaping, fencing, recreation facilities, and usable open space,

(vi) Storm drainage plan,

(vii) Circulation plan (vehicular and pedestrian),

(viii) Density of residential development,

(ix) Service areas for business, multi-family, or industrial development, if any,

(x) Any other information which the applicant feels would aid in the review of the proposal.

(b) Final Site Plan. Every final site plan shall have the same standard format as that required for final plats in LCC 16.05.240 and shall also contain that information required for preliminary site plans with the exception of the information required by LCC 16.05.160. [Ord. 1169, §1,III,NN, 2000]

16.05.430 Appeals.

Any final decision approving or disapproving any plat shall be reviewable pursuant to Chapter 2.25 LCC and Chapter 36.70C RCW before the superior court of Lewis County. The cost of transcript of all records ordered certified by the court for such review shall be borne by the applicant

for such review. [Ord. 1169, §1,III,OO, 2000]

Article VIII. Enforcement and Penalties

16.05.460 Recording prohibited.

No map, plat, replat, or plan of a subdivision subject to the provisions of this chapter shall be recorded or received for recording in any public office unless or until that map, plat, replat, or plan shall bear the certified final approval of the board of county commissioners. [Ord. 1169, §1,III,PP, 2000]

16.05.470 Permits prohibited.

No building permit, septic tank permit, or other development permit shall be issued for any lot, tract, or parcel of land divided in violation of this chapter or local regulations adopted pursuant thereto unless the authority to issue such permits finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchaser's or transferee's property shall comply with the provisions of this chapter and each purchaser or transferee may bring action to recover his damages from any person, firm, corporation, or agent selling or transferring land in violation of this chapter, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this chapter, as well as costs of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser or transferee may, as an alternative to conforming this property to these requirements, bring action to rescind the sale or transfer and recover costs of investigation, suit, and reasonable attorney's fees occasioned thereby. [Ord. 1169, §1,III,QQ, 2000]

16.05.480 Action to restrain violations.

Whenever any parcel of land is divided into five or more lots, tracts, or parcels of land, and any person, firm, or corporation or any agent of any of them sells, leases, transfers, or offers or advertises for sale, lease, or transfer any such lot, tract, or parcel without having a final plat of such subdivision filed for record, the prosecuting attorney shall commence an action to restrain and enjoin further subdivisions for sale, lease, transfer, or offers for sale, lease, or transfer and compel compliance with all provisions of this article on those lands which previously have been subdivided, sold, leased, transferred, or offered for sale, lease, or transfer in noncompliance with this chapter. The costs of such action shall be taxed against the person, firm, corporation, or agent selling, leasing, or transferring the property. [Ord. 1169, §1,III,RR, 2000]

16.05.490 Discontinuance of violation.

In the enforcement of this chapter, the prosecuting attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter from any person engaging in, or who has engaged in, such action or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of Lewis County. A violation of such assurance shall constitute a prima facie proof of a violation of this chapter. [Ord. 1169, §1,III,SS, 2000]

16.05.500 Violation - Penalties.

Any person who violates any court order or injunction issued pursuant to this chapter shall be subject to a fine of not more than \$5,000 or imprisonment for not more than 90 days or both. [Ord. 1169, §1,III,TT, 2000]

16.05.510 Criminal penalty.

Any person, firm, corporation, or association or any agent of any person, firm,

corporation, or association who violates any provision of this chapter or any subsequent regulations adopted pursuant thereto relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land shall be subject to the penalties in RCW 58.17.300. [Ord. 1169, §1,III,UU, 2000]

16.05.520 Unlawful representations.

It shall be unlawful for any person, firm, or corporation owning a plat or subdivision of land within the county to represent that any improvement upon any of the streets, alleys, or other public ways of said plat or subdivision has been constructed according to the plans and specifications approved by the county engineer or has been supervised or inspected by the county engineer when such improvement has not been so constructed, supervised, or inspected. [Ord. 1169, §1,III,VV, 2000]

Chapter 16.10

SHORT SUBDIVISIONS

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Article I. General provisions

16.10.010 Purpose.

The purpose of this chapter is to regulate the division of land into four lots or fewer, at least one of which is less than five acres in size. [Ord. 1169, §1,IV,A, 2000]

Article II. Scope

16.10.200 Applicability.

(1) Every division of land for the purpose of sale or lease into four or less lots within the unincorporated area of Lewis County shall proceed in compliance with this chapter.

(2) All contiguous land shall be included within the short subdivision boundary. [Ord. 1169, §1,IV,B, 2000]

16.10.220 Redivision.

Land within a short subdivision which has been approved within five years immediately preceding may not be further divided in any manner until a final plat thereof has been approved and filed for record pursuant to Lewis County regulations concerning the subdivision of property into five or more lots, tracts or parcels. When the original short subdivision contains less than four lots, the above prohibition shall not apply if such additional lots do not increase the original subdivision into more than four lots. After five years, further divisions may be permitted. [Ord. 1169, §1,IV,C, 2000]

16.10.230 Alterations, revisions and corrections.

Any person desiring approval of an alteration to an existing short subdivision shall submit an application to the Administrator. The application shall include the information required for a short subdivision of land pursuant to LCC 16.10.390, including the notarized signatures of the majority of those persons having an ownership interest in the portion of the short subdivision being altered. If the short subdivision is subject to restrictive covenants or easements which were filed at the time of short subdivision approval, and the application for an alteration would result in a change to these covenants or easements, the application shall contain an agreement signed by all parties subject to the covenants or easements providing that the parties agree to terminate or alter the relevant covenants or easements to accomplish the purpose of the alteration of the short subdivision or portion thereof. [Ord. 1169, §1,IV,D, 2000]

Article III. Procedure

16.10.240 Designation of Administrator.

The Director of the Community Development Department the County shall be designated as Administrator and shall be responsible for interpreting, developing and applying the provisions and requirements of this chapter. [Ord. 1169, §1,IV,E, 2000]

16.10.250 Application.

A reproducible copy of the application and preliminary short plat map as hereinafter defined, proposing the short subdivision, shall be submitted to the planning section of the Lewis County department of public services, upon forms furnished by said body which shall affix thereto a file number and the date of receipt. [Ord. 1169, §1,IV,F, 2000]

16.10.260 Fees.

The fees for this chapter are set forth in LCC 18.05.080. [Ord. 1169, §1,IV,G, 2000; Ord. 1158C, 1999]

16.10.270 Time for administrative action.

When the Administrator has received a complete short subdivision application (applications proposing on-site sewage disposal shall not be deemed complete until on-site soil evaluation application forms are submitted to the Lewis County environmental services section), the Administrator then shall affix a file number and date of receipt to the application and shall forward copies to the environmental services section, the public works division, the appropriate sections within the department of community development, and any other public agencies which may have an interest in the proposed subdivision. Upon receipt of the application, the appropriate divisions shall, within 20 days, return their written comments to the Administrator. The Administrator shall approve, deny or return the application to the applicant for modification or correction within 30 days, unless the applicant consents in writing to an extension of such time. [Ord. 1169, §1,IV,H, 2000]

16.10.290 Posting of markers.

Where identification markers are found necessary by any of the reviewing offices to assist in making its determination, such markers shall be placed upon the land and maintained thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks by the applicable agencies or departments. Identification may alternatively be made by flag, sign, paint or any other adequate identifying marker. Identification markers shall be clearly understandable by the reviewing agencies. [Ord. 1169, §1,IV,I, 2000]

16.10.300 Administrative action.

(1) Upon reviewing an application for preliminary short subdivision approval, the Administrator shall consider and review the proposed short subdivision with regard to:

- (a) The public health and safety;
- (b) Adequate access, including streets and roads;
- (c) Adequate sewage disposal and potable water supply;
- (d) Conformance with the general purposes of the Lewis County comprehensive plan, and conformance with all other county regulations and state law;
- (e) The physical characteristics of the short subdivision site, including drainage, flood, inundation and swamp conditions, pursuant to RCW 58.17.120.

(2) In areas known to have poor drainage patterns, or where site visits reveal it necessary, storm water management and site drainage patterns shall be subject to the approval of the public works division.

(3) Following the review the Administrator shall do one of the following:

- (a) Approve the preliminary short subdivision; or
- (b) Approve the preliminary short subdivision with conditions; or
- (c) Disapprove the short subdivision and the short plat thereof and so advise the subdivider in writing stating the reasons of disapproval and advising of the appeal procedure. [Ord. 1169, §1,IV,K, 2000]

16.10.310 Final plat approval.

Following approval of the preliminary short subdivision, the subdivider shall be notified that he/she may proceed to develop the short subdivisions facilities and required improvements with assurance of final short subdivision approval. The approval given to a preliminary short subdivision shall expire five years from the date of preliminary short subdivision approval. Final short plats shall be required to meet the requirements of LCC 16.10.420. [Ord. 1169, §1,IV,L, 2000]

16.10.320 Appeals.

(1) Hearing Examiner. Any final decision of the Administrator in the interpretation and application of this chapter may be appealed to the county hearing examiner pursuant to county procedures and regulations thereto, except as otherwise stated hereunder.

(2) Standards of Review. The hearing examiner may reverse or affirm wholly or in part the decision of the Administrator.

(3) Judicial Review. Those aggrieved by the decision of the hearing examiner may appeal such decision to the superior court of Lewis County, Washington, pursuant to county procedures and regulations under Chapter 2.25 LCC, Hearing Examiner. [Ord. 1169, §1,IV,M, 2000]

16.10.330 Variance.

(1) The hearing examiner shall hear and decide requests for variances as provided in Chapter 16.02 LCC.

(2) Application for a variance request shall be submitted in conjunction with any short subdivision application, and any notice required for such application shall include notice of the request for variance. [Ord. 1169, §1,IV,N, 2000]

16.10.340 Penalties and enforcement.

It shall be unlawful for any person, firm, corporation, or association, or agent thereof, to violate any provision of this chapter. Under RCW 58.17.300, any such person or other such party who violates Chapter 58.17 RCW or such provision of this chapter as are required thereunder, with respect to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land, shall be subject to the penalties in RCW 58.17.300.

(1) Any offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land prior to short subdivision approval is permitted if it is conditioned upon the recording of the short subdivision containing

the lot, tract or parcel of land under this chapter, the offer or agreement is not subject to RCW 58.17.300 and does not violate any provision of this chapter. All other offers or agreements are prohibited prior to final short subdivision approval.

All payments on account of an offer or agreement thereby conditioned shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be deemed permitted until the final short plat thereof is properly recorded.

(2) No building permit, on-site sewage permit, nor any other development permit shall be issued by Lewis County for any lot, parcel or tract of land created or divided in violation of this chapter, without the approval of the local health officer, if applicable, and in conjunction with Administrator approval under LCC 16.02.055.

(3) In addition to any other authority authorized by state or county laws, violations may be addressed in accordance with Chapter 1.20 LCC. [Ord. 1169, §1,IV,O, 2000]

16.10.350 Notice of infraction.

A notice of infraction may be issued by the Administrator or designee pursuant to the provisions of LCC 1.20.040. [Ord. 1169, §1,IV,P, 2000]

16.10.360 Additional enforcement.

The office of the Lewis County prosecuting attorney may bring such additional injunctive, declaratory, or other actions under as are necessary to ensure compliance with this chapter, and county and state laws, and the costs of such action shall be taxed by the prosecuting attorney against the person committing the violation. In the enforcement of this chapter and Chapter 58.17 RCW, the prosecuting attorney may accept assurance of discontinuance of any act or practice deemed in violation thereof from any person

engaging in, or who has engaged in, such act or practice. A violation of such assurance shall for purposes of prosecution constitute and serve as prima facie proof of violation of this chapter or Chapter 58.17 RCW. Acceptance of such assurance does not relieve a party from compliance with this chapter or state law. With respect to enforcement of Chapter 58.17 RCW and with court actions filed pursuant to this chapter, any such assurance shall be in writing and be filed with and subject to the approval of the superior court. [Ord. 1169, §1,IV,Q, 2000]

16.10.370 Recording.

At any time within the five years following approval of the preliminary plat, the subdivider may cause the short subdivision to be surveyed (if required) and a final short plat to be prepared. The applicant shall be required to prepare a final short plat in accordance with LCC 16.10.420. Following the submittal of the final short plat and a filing fee made payable to the Lewis County auditor, the planning section shall record the final short plat with the Lewis County auditor and the short subdivision shall become effective. [Ord. 1169, §1,IV,R, 2000]

16.10.380 Revisions to short subdivisions.

Any revision to an approved short subdivision application shall require an additional fee as set forth in LCC 18.05.080(2), made payable to Lewis County planning section. [Ord. 1169, §1,IV,S, 2000]

Article IV. Short Subdivision Application, Map, and Supporting Information

16.10.390 Application.

An application form, provided by the Lewis County planning section, shall be completed, signed and notarized. The

application form shall contain the following information:

(1) The name, address, and telephone number of the divider;

(2) The names and addresses of all owners of the property being divided, and any engineers or surveyors who may have worked on the subdivision;

(3) The assessor's tax number(s) for the parcel(s) and a copy of the assessor's map showing all tax parcels contained within this application;

(4) Reference to any short subdivision which included the same land;

(5) Existing and proposed land uses; if a lot is designated for a use not requiring evaluation by the Lewis County environmental services section, the lot shall be considered limited to that use and normal environmental services section review shall not be deemed necessary for that lot or short subdivision approval. Lots not intended for human habitation, or other uses not requiring the sewage disposal, shall specifically state such use on the face of the final plat;

(6) Existing sewage disposal (including permit number and date of approval) and proposed sewage disposal; if a public or private sewer system is proposed, the location of the facility and the approximate location of collection lines or disposal area, if applicable, shall be shown;

(7) Existing and proposed water supply;

(8) A certification by the subdivider showing the entire contiguous land in which there is an interest by reason of ownership by any person, firm or corporation, and all persons with interest of record therein. [Ord. 1169, §1,IV,T, 2000]

16.10.400 Additional information required for a complete application.

A complete application shall also include the following information:

(1) Each lot is to be assigned a lot number, beginning with number one and proceeding in a consecutive sequence;

(2) Documentation of existing easements affecting the short subdivision; each proposed lot which does not front on a public road shall be provided with easement(s) for legal access;

(3) Applications proposing on-site sewage disposal shall not be deemed complete until on-site soil evaluation application forms are submitted to the Lewis County environmental services section;

(4) For any public or municipal sewer system, a letter of commitment from an approved sewer purveyor stating the ability to provide service to each of the proposed lots;

(5) For any public or municipal water system, a letter of commitment from an approved water purveyor stating the ability to supply water to each of the proposed lots;

(6) Certification that all adjoining land is owned by others not associated by a land development business relationship with the owner;

(7) Where short plat maps have been derived from, or make reference to, a segregation survey which has been recorded at the Lewis County auditor's office, then a copy of said survey shall be required;

(8) A copy of the short plat map indicating topographical features such as streams, swales and the direction of the natural drainage pattern of the site; contours shall be provided when and as required by the reviewing offices if needed to make their respective determinations;

(9) Copies of any existing or proposed road maintenance agreement, well maintenance agreement, community on-site disposal system maintenance agreement or restrictive covenants which apply to the short subdivision. [Ord. 1169, §1,IV,U, 2000]

16.10.410 Preliminary short plat map.

A preliminary short plat map shall be prepared on a sheet of paper that is of reproducible material, and shall be of the following dimensions: eight and one-half by 14 inches, 11 by 17 inches or 18 by 24 inches. All drawing and lettering on the short plat map shall be in permanent black ink. Surveys shall not be required for preliminary short plat maps. All preliminary short plat maps shall contain the following information:

(1) The date, scale (not more than 200 feet to the inch) and the north arrow;

(2) The name of the subdivider;

(3) Designation of the quarter-quarter section, section, township and range;

(4) The boundary lines of the entire parcel, lots and their dimensions, drawn to scale;

(5) A number assigned to each lot. Lot numbers are to begin with number one and proceed in a consecutive sequence;

(6) The location, width and names of all public and private roads within or adjoining the short subdivision;

(7) The connection between any internal road system of the short subdivision and the public road to be used for access;

(8) Location and widths of all existing and proposed easements and rights of-way for public services, ingress and egress or utilities within the area contained in the short subdivisions;

(9) The location of existing houses, outbuildings or other structures and the approximate location of any septic systems and wells;

(10) The boundaries of any land to be reserved for the common use of the property owners of the short subdivision;

(11) Point of proposed access for each lot to the public road, whether each lot shall use a common access or have individual access;

(12) Location (to the extent possible) of all section and section subdivision lines

referenced in the legal description of the entire property to be subdivided;

(13) Vicinity sketch of the area in which the short subdivision is located may be required. [Ord. 1169, §1,IV,V, 2000]

16.10.420 Final short plat map.

Surveys shall be required for all short plat maps; provided, that the Administrator may waive this requirement if the cost of surveying, as documented by a licensed surveyor (said documentation shall be reviewed by the Lewis County surveyor), exceeds the value of the land as assessed by the Lewis County assessor's office; also provided, that the Administrator may waive this requirement if there is sufficient survey data and monumentation, which means that all of the boundaries are included in a previous survey, recorded by a licensed surveyor, unless a boundary is controlled by a physical barrier such as a river, and that at least two corners are monumented. All permanent monuments within the short subdivision shall be located and described, and all exterior corners on the boundaries of the short subdivision shall be monumented. All markers set shall be marked with the land surveyor's registration number. All monuments and markers shall be shown on the face of the final short plat. The final short plat map shall be prepared on stable base mylar polyester film or equivalency. Sheet size shall be 18 by 24 inches. All drawings and lettering on the short plat map shall be clearly and legibly drawn in permanent black ink. A margin line shall be drawn completely around each sheet leaving an entirely blank margin of two inches on the left side and one inch on the remaining sides. If more than one sheet is required, each sheet shall be numbered, indexed and contain the short subdivision number. In addition to that information required on the preliminary short plat map, the final short plat map shall also include the following information:

(1) Legal description of the land contained within the short subdivision.

(2) The short plat shall be tied to the nearest controlling corner to determine the boundary of the property.

(3) The perimeter of the plat shall be depicted with heavier lines than elsewhere on the plat.

(4) The "as-built" location of physical features both on and outside the land to be subdivided which shall serve the short subdivision, such as existing roads, utilities, railroad rights-of-way, fences and wells.

(5) The face of any short plat containing a private road shall bear the following language:

WARNING: Lewis County has no responsibility to build, improve, maintain, or otherwise service the private roads contained within or providing access to the property described in this short plat.

(6) The face of all short plats shall bear the following statements:

The lots contained within this short subdivision shall not be redivided for five (5) years from the date of approval without compliance with the requirements of the Lewis County Subdivision Ordinance No. 1083, and as thereafter amended. The approval of this short subdivision does not guarantee the issuance of any other permit or approvals.

(7) When surveyed and prepared by a surveyor, the short plat shall be signed and sealed by a registered land surveyor, and shall contain the following:

This map correctly represents a survey made by me or under my direction in conformance with the Survey Recording Act at the request of _____. On (Month/Day/Year).
Signature of Surveyor:

(Certificate of License No. to follow)

(8) If the short subdivision is subject to a dedication, a certificate on the short plat map or separate written instrument shall be required.

(9) Treasurer's Certification. No final short plat shall be filed with the county auditor until the county treasurer has certified that all delinquent taxes and assessment on the property as of the date of filing have been paid. The subdivider shall provide evidence that all taxes have been paid.

(10) Auditor's Certificate. All final short plats shall be endorsed by the Lewis County auditor and shall contain the following language:

Filed for record at the request of _____, this _____ day of _____, 20__ and recorded in Volume ____ of short plats, on Page ___, Records of Lewis County, Washington.
Lewis County Auditor

(11) If a title report is used in the preparation of the short subdivision, a copy shall be provided to the Administrator, and placed in the short subdivision file but shall not be recorded with the auditor. [Ord. 1169, §1,IV,W, 2000]

Article V. Design Standards and Guidelines

16.10.430 Road standards.

All private roads shall be required to meet the requirements of the Lewis County private road standards, as adopted or hereafter amended. Lewis County shall have no responsibility to maintain or improve any roads which have not been dedicated to the county. The county has no responsibility to enforce any private road maintenance agreements. [Ord. 1169, §1,IV,X, 2000]

16.10.440 Road maintenance agreements.

All private roads serving the short subdivision shall require a road maintenance agreement, unless a variance is approved. [Ord. 1169, §1,IV,Y, 2000]

16.10.450 Lots - Arrangement and dimensions.

The lot arrangement and dimensions shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in securing permits to build upon all lots or fractional parts in compliance with Chapter 15.15 LCC, Building Setback Regulations, and "The Sewage System Rules and Regulations of the Lewis County Board of Health" and Chapters 8.40 and 8.41 LCC. In order to provide for adequate access a minimum road frontage of 30 feet shall be required for each lot; provided, that in circumstances where an easement for access to a single lot is not more than 150 feet in length, a minimum road frontage shall be required consistent with County road standards. [Ord. 1169, §1,IV,Z, 2000]

16.10.460 Clustering.

The county encourages the clustering of residential and commercial lots. The net size of individual lots may be reduced so long as the gross land area of the land to be subdivided meets the requirements of the Lewis County comprehensive plan. All land reserved as open space shall be so stated on the face of the short plat map and shall be subject to covenants consistent with comprehensive plan guidelines. This open space may be dedicated to the public pursuant to LCC 16.10.050 or to the short subdivision lot owner's association. [Ord. 1169, §1,IV,AA, 2000]

Article VI. Environmental Health Standards

16.10.470 Sewer availability.

(1) All lots to be served by septic systems shall require soil evaluation tests in order to assess soil percolation rates and the relative suitability of soil conditions under the current regulation requirements.

(2) Each lot shall contain sufficient square footage to meet minimum health requirements.

(3) General Requirements. Prior to short subdivision approval the applicant shall specify the proposed means of sewage disposal for the short subdivision. Every short subdivision shall have a method of sewage disposal which is reliable, safe, and meets all of the requirements of the state and county health regulations.

(4) Individual On-Site Sewage Systems. The land divider may choose to designate individual on-site sewage systems as the means for sewage disposal in a short subdivision unless a public sewer system is available. If the short subdivision is to be served by an individual on-site sewage disposal system, each system shall be entirely contained on the same lot as the dwelling to which it is intended to serve or on other land on which the lot owner possesses an easement interest. Prior to short subdivision approval, the environmental services section shall determine whether soils on each lot will safely accommodate individual on-site systems if such systems are properly constructed and managed. If conditions are found to be unsuitable for individual on-site sewage systems, or such systems cannot be accomplished consistent with state and county health regulations, individual on-site sewage systems shall not be allowed. When individual on-site sewage systems are to serve a short subdivision's sewage disposal needs, this shall be so stated on the final short plat. It shall be the responsibility of each individual lot owner

to obtain required on-site sewage disposal systems pursuant to the state and county health regulations.

(5) Community On-Site Sewage Systems. When the Lewis County environmental services section determines that individual disposal systems to serve each lot are unsuitable, and a public sewer system is not available, the land divider may, if feasible, install an on-site community disposal system. The on-site community sewage system need not serve lots which can accommodate individual on-site sewage disposal systems. Prior to short plat approval the community system shall be constructed by the land applicant in accordance with engineering plans approved by all public agencies of jurisdiction. The short subdivision lot owner's association, or an approved public utility that is qualified to operate and maintain on-site sewage systems, shall manage the community disposal system. Maintenance and operation of the system shall be consistent with all state health and environmental requirements. When an on-site community sewage system is to be utilized to serve the short subdivision's disposal needs, the system shall be entirely within the subdivision or short subdivision boundaries or on land controlled by the system ownership.

(6) Public Sewer System. When a public sewer system is available to serve the short subdivision, then all lots shall utilize the sewer system to satisfy its sewage disposal requirements in compliance with Lewis County Board of Health Ordinance H98-326, and as amended, Section 12 (LCC 8.40.070).

(7) Short subdivisions contiguous to lakes, streams, or other bodies of water shall be required to take the following precaution to prevent pollution of said bodies of water from septic tank effluent: A setback line from the ordinary high water mark consistent with state health law shall be established, within which no part of a

sewage storage, treatment or disposal facility shall be established. [Ord. 1169, §1,IV,BB, 2000]

16.10.480 Water supply standards.

(1) Lots which exceed the minimum land area requirements of “The Sewage System Rules and Regulations of the Lewis County Board of Health” for individual wells and septic systems do not need to be served by an approved public water supply system; provided, that the short subdivision meets the following: Prior to the final approval of the short subdivision the applicant shall demonstrate to the environmental services section that a potable water source is available to serve all lots. If the environmental health officer is uncertain regarding the ability of the water source to provide long-term safe and adequate water to the subdivision, the applicant shall be required to conduct a water source study completed by a qualified professional.

(a) Prior to short subdivision approval, subdivisions proposing individual wells for source water may be required to drill one well per plat. The demonstrated well shall provide at least 400 gallons per day as evidenced in a pump test or well driller’s log. The quality of water shall be approved by the Lewis County environmental services section, including location and construction as per well log, site plan and/or site visit, bacteria, nitrates, and possibly arsenic. If the water source does not meet these standards, such fact shall be a basis to deny the short subdivision if no other means of providing water to the short subdivision can be accomplished.

(2) Approved Public Water System. An approved public water system shall be provided to each lot with less than the minimum gross land area required by current on-site regulations for individual septic systems and wells. The applicant shall provide a public water supply facility and a complete water distribution system and may

dedicate it to a short subdivision lot owner’s association, or a public agency if a satellite maintenance agency approved by the Lewis County environmental services section is unavailable. The dedication shall include a water supply and distribution system which includes the well, reservoir and/or treatment system and the land upon which they are located or upon land which the lot owner’s association shall have control and shall grant utility easements for the distribution system. The applicant may retain ownership of the system or dedicate it to a responsible person, either of which shall operate and maintain the system consistent with state requirements if a satellite management system is unavailable.

(3) Subdivision Water Supply System - Commitment. An approved public water system which has been developed and approved to serve a short subdivision shall be reserved for the exclusive use of the short subdivision; provided, that service connections located outside of the subdivision, in excess of those required to serve the total number of lots within the short subdivision, may be authorized by the entity or person owning the system. The public water system must also demonstrate substantial compliance with Chapter 246-290 or 246-291 WAC, as now or hereafter amended, including monitoring data on record, satisfactory construction records and plans on file, and not under any compliance or enforcement order. The public water system shall also demonstrate adequate water rights, if required, from the Washington State Department of Ecology. [Ord. 1169, §1,IV,CC, 2000]

Article VII. Assessor Notification

16.10.490 Segregation notification.

When it comes to the attention of the assessor of Lewis County that a division of land that appears to be subject to the requirements of this chapter has been made

but not contained within a short plat or final plat, he shall forthwith notify the planning section of such division. Upon investigation, should the planning section consider the division as an illegal short subdivision, the planning section shall notify the Lewis County prosecuting attorney. [Ord. 1169, §1,IV,DD, 2000]

Chapter 16.12

LARGE LOT SUBDIVISIONS

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Article I Purpose

16.12.010 Purpose.

The purpose of this chapter is to regulate the division of land into lots less than 20 acres in size, of which no lot is less than five acres in size or one-one hundred twenty-eighth of a section of land in size. [Ord. 1169, §1,V,A, 2000]

Article II. Scope

16.12.020 Applicability.

Every division of contiguous land, for purposes of sale or lease, into two or more lots, all of which are five acres or one-one hundred twenty-eighth of a section of land or larger, and any one of which is smaller than twenty acres or thirty-second of a section, shall proceed in compliance with this chapter. For purposes of applicability, the size of all parcels shall be measured to the centerline of any abutting right of way. [Ord. 1179B Ex A., 2003; Ord. 1169, §1,V,B, 2000]

Article III. Procedure

16.12.240 Designation of Administrator.

The Director of the Community Development Department the County shall be designated as Administrator. and shall be responsible for interpreting, developing and applying the provisions and requirements of this chapter. [Ord. 1169, §1,V,C, 2000]

16.12.250 Application.

A reproducible copy of the application and preliminary large lot subdivision map as hereinafter defined, proposing the large lot subdivision, shall be submitted to the planning section of the Lewis County department of public services, upon forms furnished by said body which shall affix thereto a file number and the date of receipt. [Ord. 1169, §1,V,D, 2000]

16.12.260 Fees.

The fees for this chapter are set forth in LCC 18.05.080. [Ord. 1169, §1,V,E, 2000; Ord. 1158C, 1999]

16.12.270 Time for administrative action.

When the Administrator has received a complete large lot subdivision application (applications proposing on-site sewage disposal shall not be deemed complete until on-site soil evaluation application forms are submitted to the Lewis County environmental services section), the Administrator then shall affix a file number and date of receipt to the application and shall forward copies to the environmental services section, the public works division, the appropriate sections within the department of public services - community development division, and any other public agencies which may have an interest in the proposed subdivision. Upon receipt of the application, the appropriate divisions shall, within 20 days, return their written comments to the Administrator. The

Administrator shall approve, deny or return the application to the applicant for modification or correction within 30 days, unless the applicant consents in writing to an extension of such time. [Ord. 1169, §1,V,F, 2000]

16.12.290 Posting of markers.

Where identification markers are found necessary by any of the reviewing offices to assist in making its determination, such markers shall be placed upon the land and maintained thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks by the applicable agencies or departments. Identification may alternatively be made by flag, sign, paint or any other adequate identifying marker. Identification markers shall be clearly understandable by the reviewing agencies. [Ord. 1169, §1,V,G, 2000]

16.12.300 Administrative action.

(1) Upon reviewing an application for preliminary large lot subdivision approval, the planning section shall consider and review the proposed large lot subdivision with regard to:

- (a) The public health and safety;
- (b) Adequate access, including streets and roads;
- (c) Adequate sewage disposal and potable water supply;
- (d) Conformance with the general purposes of the Lewis County comprehensive plan, and conformance with all other county regulations and state law;
- (e) The physical characteristics of the large lot subdivision site, including drainage, flood, inundation and swamp conditions, pursuant to RCW 58.17.120.

(2) In areas known to have poor drainage patterns, or where site visits reveal it necessary, storm water management and site drainage patterns shall be subject to the approval of the public works division.

(3) Following the review the Administrator shall do one of the following:

- (a) Approve the preliminary large lot subdivision; or
- (b) Approve the preliminary large lot subdivision with conditions; or
- (c) Disapprove the large lot subdivision and so advise the subdivider in writing stating the reasons of disapproval and advising of the appeal procedure. [Ord. 1169, §1,V,H, 2000]

16.12.310 Final large lot subdivision approval.

Following approval of the preliminary large lot subdivision, the subdivider shall be notified that he/she may proceed to develop the large lot subdivisions facilities and required improvements with assurance of final large lot subdivision map approval. The approval given to a preliminary large lot subdivision shall expire five years from the date of preliminary large lot subdivision approval. Final large lot subdivisions maps shall be required to meet the requirements of LCC 16.12.420. [Ord. 1169, §1,V,I, 2000]

16.12.320 Appeals.

(1) Hearing Examiner. Any final decision of the Administrator in the interpretation and application of this chapter may be appealed to the county hearing examiner pursuant to county procedures and regulations thereto, except as otherwise stated hereunder.

(2) Standards of Review. The hearing examiner may reverse or affirm wholly or in part the decision of the Administrator.

(3) Judicial Review. Those aggrieved by the decision of the hearing examiner may appeal such decision to the superior court of Lewis County, Washington, pursuant to county procedures and regulations under Chapter 2.25 LCC, Hearing Examiner. [Ord. 1169, §1,V,J, 2000]

16.12.330 Variance.

(1) The hearings examiner shall hear and decide requests for variances as provided in Chapter 16.02 LCC.

(2) Application for a variance request shall be submitted in conjunction with any large lot subdivision application, and any notice required for such application shall include notice of the request for variance. [Ord. 1169, §1,V,K, 2000]

16.12.340 Penalties and enforcement.

It shall be unlawful for any person, firm, corporation, or association, or agent thereof, to violate any provision of this chapter. Under RCW 58.17.300, any such person or other such party who violates Chapter 58.17 RCW or such provision of this chapter as are required thereunder, with respect to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land, shall be subject to the penalties in RCW 58.17.300.

(1) Any offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land prior to large lot subdivision approval is permitted if it is conditioned upon the recording of the large lot subdivision containing the lot, tract or parcel of land under this chapter, the offer or agreement is not subject to RCW 58.17.300 and does not violate any provision of this chapter. All other offers or agreements are prohibited prior to final large lot subdivision map approval. All payments on account of an offer or agreement thereby conditioned shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be deemed permitted until the final large lot subdivision map is properly recorded.

(2) No building permit, on-site sewage permit, nor any other development permit shall be issued by Lewis County for any lot, parcel or tract of land created or divided in violation of this chapter, without the approval of the local health officer, if applicable, and in conjunction with

Administrator approval under LCC 16.02.055. [Ord. 1169, §1,V,L, 2000]

16.12.350 Notice of Infraction.

A notice of infraction may be issued by the Administrator or designee pursuant to the provisions of LCC 1.20.040. [Ord. 1169, §1,V,M, 2000]

16.12.360 Additional enforcement.

The office of the Lewis County prosecuting attorney may bring such additional injunctive, declaratory, or other actions under as are necessary to ensure compliance with this chapter, and county and state laws, and the costs of such action shall be taxed by the prosecuting attorney against the person committing the violation. In the enforcement of this chapter and Chapter 58.17 RCW, the prosecuting attorney may accept assurance of discontinuance of any act or practice deemed in violation thereof from any person engaging in, or who has engaged in, such act or practice. A violation of such assurance shall for purposes of prosecution constitute and serve as prima facie proof of violation of this chapter or Chapter 58.17 RCW. Acceptance of such assurance does not relieve a party from compliance with this chapter or state law. With respect to enforcement of Chapter 58.17 RCW and with court actions filed pursuant to this chapter, any such assurance shall be in writing and be filed with and subject to the approval of the superior court. [Ord. 1169, §1,V,N, 2000]

16.12.370 Recording.

At any time within the five years following approval of the preliminary plat, the subdivider may cause the large lot subdivision to be surveyed (if required) and a final large lot subdivision map to be prepared. The applicant shall be required to prepare a final large lot subdivision map in accordance with LCC 16.12.420. Following

the submittal of the final large lot subdivision map and a filing fee made payable to the Lewis County auditor, the planning section shall record the final large lot subdivision map with the Lewis County auditor and the large lot subdivision map shall become effective. [Ord. 1169, §1,V,O , 2000]

16.12.380 Revisions to large lot subdivisions.

Any revision to an approved large lot subdivision application shall require an additional fee as set forth in LCC 18.05.080(2), made payable to Lewis County planning section. [Ord. 1169, §1,V,P, 2000]

Article IV. Large Lot Subdivision Application, Map, and Supporting Information

16.12.390 Application.

An application form, provided by the Lewis County planning section, shall be completed, signed and notarized. The application form shall contain the following information:

(1) The name, address, and telephone number of the divider;

(2) The names and addresses of all owners of the property being divided, and any engineers or surveyors who may have worked on the subdivision;

(3) The assessor's tax number(s) for the parcel(s) and a copy of the assessor's map showing all tax parcels contained within this application;

(4) Reference to any large lot subdivision which included the same land;

(5) Existing and proposed land uses; if a lot is designated for a use not requiring evaluation by the Lewis County environmental services section, the lot shall be considered limited to that use and normal environmental services section review shall not be deemed necessary for that lot or large

lot subdivision approval. Lots not intended for human habitation, or other uses not requiring the sewage disposal, shall specifically state such use on the face of the final plat;

(6) Existing sewage disposal (including permit number and date of approval) and proposed sewage disposal; if a public or private sewer system is proposed, the location of the facility and the approximate location of collection lines or disposal area, if applicable, shall be shown;

(7) Existing and proposed water supply;

(8) A certification by the subdivider showing the entire contiguous land in which there is an interest by reason of ownership by any person, firm or corporation, and all persons with interest of record therein. [Ord. 1169, §1,V,Q, 2000]

16.12.400 Additional information required for a complete application.

A complete application shall also include the following information:

(1) Each lot is to be assigned a lot number, beginning with number one and proceeding in a consecutive sequence;

(2) Documentation of existing easements affecting the large lot subdivision; each proposed lot which does not front on a public road shall be provided with easement(s) for legal access;

(3) Applications proposing on-site sewage disposal shall not be deemed complete until on-site soil evaluation application forms are submitted to the Lewis County environmental services section;

(4) For any public or municipal sewer system, a letter of commitment from an approved sewer purveyor stating the ability to provide service to each of the proposed lots;

(5) For any public or municipal water system, a letter of commitment from an approved water purveyor stating the ability to supply water to each of the proposed lots;

(6) Certification that all adjoining land is owned by others not associated by a land development business relationship with the owner;

(7) Where large lot subdivision maps have been derived from, or make reference to, a segregation survey which has been recorded at the Lewis County auditor's office, then a copy of said survey shall be required;

(8) A copy of the large lot subdivision map indicating topographical features such as streams, swales and the direction of the natural drainage pattern of the site; contours shall be provided when and as required by the reviewing offices if needed to make their respective determinations;

(9) Copies of any existing or proposed road maintenance agreement, well maintenance agreement, community on-site disposal system maintenance agreement or restrictive covenants which apply to the large lot subdivision. [Ord. 1169, §1,V,R, 2000]

16.12.410 Preliminary large lot subdivision map.

A preliminary large lot subdivision map shall be prepared on a sheet of paper that is of reproducible material, and shall be of the following dimensions: eight and one-half by 14 inches, 11 by 17 inches or 18 by 24 inches. All drawing and lettering on the large lot subdivision map shall be in permanent black ink. Surveys shall not be required for preliminary large lot subdivision maps. All preliminary large lot subdivision maps shall contain the following information:

(1) The date, scale (not more than 200 feet to the inch) and the north arrow;

(2) The name of the subdivider;

(3) Designation of the quarter-quarter section, section, township and range;

(4) The boundary lines of the entire parcel, lots and their dimensions, drawn to scale;

(5) A number assigned to each lot. Lot numbers are to begin with number one and proceed in a consecutive sequence;

(6) The location, width and names of all public and private roads within or adjoining the large lot subdivision;

(7) The connection between any internal road system of the large lot subdivision and the public road to be used for access;

(8) Location and widths of all existing and proposed easements and rights of-way for public services, ingress and egress or utilities within the area contained in the large lot subdivisions;

(9) The location of existing houses, outbuildings or other structures and the approximate location of any septic systems and wells;

(10) The boundaries of any land to be reserved for the common use of the property owners of the large lot subdivision;

(11) Point of proposed access for each lot to the public road, whether each lot shall use a common access or have individual access;

(12) Location (to the extent possible) of all section and section subdivision lines referenced in the legal description of the entire property to be included in the large lot subdivision;

(13) Vicinity sketch of the area in which the large lot subdivision is located may be required. [Ord. 1169, §1,V,S, 2000]

16.12.420 Final large lot subdivision map.

Surveys shall be required for all large lot subdivision maps; provided, that the Administrator may waive this requirement if the cost of surveying, as documented by a licensed surveyor (said documentation shall be reviewed by the Lewis County surveyor), exceeds the value of the land as assessed by the Lewis County assessor's office; also provided, that the Administrator may waive this requirement if there is sufficient survey data and monummentation, which means that

all of the boundaries are included in a previous survey, recorded by a licensed surveyor, unless a boundary is controlled by a physical barrier such as a river, and that at least two corners are monumented. All permanent monuments within the large lot subdivision shall be located and described, and all exterior corners on the boundaries of the large lot subdivision shall be monumented. All markers set shall be marked with the land surveyor's registration number. All monuments and markers shall be shown on the face of the final large lot subdivision map. The final large lot subdivision map shall be prepared on stable base mylar polyester film or equivalency. Sheet size shall be 18 by 24 inches. All drawings and lettering on the large lot subdivision map shall be clearly and legibly drawn in permanent black ink. A margin line shall be drawn completely around each sheet leaving an entirely blank margin of two inches on the left side and one inch on the remaining sides. If more than one sheet is required, each sheet shall be numbered, indexed and contain the large lot subdivision number. In addition to that information required on the preliminary large lot subdivision map, the final large lot subdivision map shall also include the following information:

(1) Legal description of the land contained within the large lot subdivision.

(2) The large lot subdivision shall be tied to the nearest controlling corner to determine the boundary of the property.

(3) The perimeter of the plat shall be depicted with heavier lines than elsewhere on the plat.

(4) The "as-built" location of physical features both on and outside the land to be subdivided which shall serve the large lot subdivision, such as existing roads, utilities, railroad rights-of-way, fences and wells.

(5) The face of any large lot subdivision map containing a private road shall bear the following language:

WARNING: Lewis County has no responsibility to build, improve, maintain, or otherwise service the private roads contained within or providing access to the property described in this large lot subdivision.

(6) When surveyed and prepared by a surveyor, the large lot subdivision map shall be signed and sealed by a registered land surveyor, and shall contain the following:

This map correctly represents a survey made by me or under my direction in conformance with the Survey Recording Act at the request of _____. On (Month/Day/Year).

Signature of Surveyor:

(Certificate of License Number to follow)

(7) If the large lot subdivision is subject to a dedication, a certificate on the large lot subdivision map or separate written instrument shall be required.

(8) Treasurer's Certification. No final large lot subdivision map shall be filed with the county auditor until the county treasurer has certified that all delinquent taxes and assessment on the property as of the date of filing have been paid. The subdivider shall provide evidence that all taxes have been paid.

(9) Auditor's Certificate. All final large lot subdivision maps shall be endorsed by the Lewis County auditor and shall contain the following language:

Filed for record at the request of _____, this _____ day of _____, 20__ and recorded in Volume ____ of Large Lot Subdivisions, on Page ___, Records of Lewis County, Washington.

Lewis County Auditor

(10) If a title report is used in the preparation of the large lot subdivision map, a copy shall be provided to the

Administrator, and placed in the large lot subdivision file but shall not be recorded with the auditor. [Ord. 1169, §1,V,T, 2000]

Article V. Design Standards and Guidelines

16.12.430 Road standards.

All private roads shall be required to meet the requirements of the Lewis County private road standards, as adopted or hereafter amended. Lewis County shall have no responsibility to maintain or improve any roads which have not been dedicated to the county. The county has no responsibility to enforce any private road maintenance agreements. [Ord. 1169, §1,V,U, 2000]

16.12.440 Road maintenance agreements.

All private roads serving the large lot subdivision shall require a road maintenance agreement, unless a variance is approved. [Ord. 1169, §1,V,V, 2000]

16.12.450 Lots - Arrangement and dimensions.

The lot arrangement and dimensions shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in securing permits to build upon all lots or fractional parts in compliance with Chapter 15.15 LCC, Building Setback Regulations, and "The Sewage System Rules and Regulations of the Lewis County Board of Health". In order to provide for adequate access a minimum road frontage of 30 feet shall be required for each lot; provided, that in circumstances where an easement for access to a single lot is not more than 150 feet in length, a minimum road frontage shall be required consistent with County road standards. [Ord. 1169, §1,V,W, 2000]

Article VI. Environmental Health Standards

16.12.470 Sewer availability.

(1) All lots to be served by septic systems shall require soil evaluation tests in order to assess soil percolation rates and the relative suitability of soil conditions under the current regulation requirements.

(2) Each lot shall contain sufficient square footage to meet minimum health requirements.

(3) General Requirements. Prior to large lot subdivision approval the applicant shall specify the proposed means of sewage disposal for the large lot subdivision. Every large lot subdivision shall have a method of sewage disposal which is reliable, safe, and meets all of the requirements of the state and county health regulations.

(4) Individual On-Site Sewage Systems. The land divider may choose to designate individual on-site sewage systems as the means for sewage disposal in a large lot subdivision unless a public sewer system is available. If the large lot subdivision is to be served by an individual on-site sewage disposal system, each system shall be entirely contained on the same lot as the dwelling to which it is intended to serve or on other land on which the lot owner possesses an easement interest. Prior to large lot subdivision approval, the environmental services section shall determine whether soils on each lot will safely accommodate individual on-site systems if such systems are properly constructed and managed. If conditions are found to be unsuitable for individual on-site sewage systems, or such systems cannot be accomplished consistent with state and county health regulations, individual on-site sewage systems shall not be allowed. When individual on-site sewage systems are to serve a large lot subdivision's sewage disposal needs, this shall be so stated on the final large lot subdivision map. It shall be the responsibility of each

individual lot owner to obtain required on-site sewage disposal systems pursuant to the state and county health regulations.

(5) Community On-Site Sewage Systems. When the Lewis County environmental services section determines that individual disposal systems to serve each lot are unsuitable, and a public sewer system is not available, the land divider may, if feasible, install an on-site community disposal system. The on-site community sewage system need not serve lots which can accommodate individual on-site sewage disposal systems. Prior to large lot subdivision approval the community system shall be constructed by the land applicant in accordance with engineering plans approved by all public agencies of jurisdiction. The large lot subdivision lot owner's association, or an approved public utility that is qualified to operate and maintain on-site sewage systems, shall manage the community disposal system. Maintenance and operation of the system shall be consistent with all state health and environmental requirements. When an on-site community sewage system is to be utilized to serve the large lot subdivision's disposal needs, the system shall be entirely within the subdivision or large lot subdivision boundaries or on land controlled by the system ownership.

(6) Public Sewer System. When a public sewer system is available to serve the large lot subdivision, then all lots shall utilize the sewer system to satisfy its sewage disposal requirements in compliance with Lewis County Board of Health Ordinance H-98-326, and as amended, Section 12 (LCC 8.40.070).

(7) Large lot subdivisions contiguous to lakes, streams, or other bodies of water shall be required to take the following precaution to prevent pollution of said bodies of water from septic tank effluent: A setback line from the ordinary high water mark consistent with state health law shall be

established, within which no part of a sewage storage, treatment or disposal facility shall be established. [Ord. 1169, §1,V,X, 2000]

16.12.480 Water supply standards.

(1) Lots which exceed the minimum land area requirements of "The Sewage System Rules and Regulations of the Lewis County Board of Health" for individual wells and septic systems do not need to be served by an approved public water supply system; provided, that the large lot subdivision meets the following: Prior to the final approval of the large lot subdivision the applicant shall demonstrate to the environmental services section that a potable water source is available to serve all lots. If the environmental health officer is uncertain regarding the ability of the water source to provide long-term safe and adequate water to the subdivision, the applicant shall be required to conduct a water source study completed by a qualified professional.

(a) Prior to large lot subdivision approval, subdivisions proposing individual wells for source water may be required to drill one well per plat. The demonstrated well shall provide at least 400 gallons per day as evidenced in a pump test or well driller's log. The quality of water shall be approved by the Lewis County environmental services section, including location and construction as per well log, site plan and/or site visit, bacteria, nitrates, and possibly arsenic. If the water source does not meet these standards, such fact shall be a basis to deny the large lot subdivision if no other means of providing water to the large lot subdivision can be accomplished.

(2) Approved Public Water System. An approved public water system shall be provided to each lot with less than the minimum gross land area required by current on-site regulations for individual septic systems and wells. The applicant shall

provide a public water supply facility and a complete water distribution system and may dedicate it to a large lot subdivision lot owner's association, or a public agency if a satellite maintenance agency approved by the Lewis County environmental services section is unavailable. The dedication shall include a water supply and distribution system which includes the well, reservoir and/or treatment system and the land upon which they are located or upon land which the lot owner's association shall have control and shall grant utility easements for the distribution system. The applicant may retain ownership of the system or dedicate it to a responsible person, either of which shall operate and maintain the system consistent with state requirements if a satellite management system is unavailable.

(3) Subdivision Water Supply System - Commitment. An approved public water system which has been developed and approved to serve a large lot subdivision shall be reserved for the exclusive use of the large lot subdivision; provided, that service connections located outside of the subdivision, in excess of those required to serve the total number of lots within the large lot subdivision, may be authorized by the entity or person owning the system. The public water system must also demonstrate substantial compliance with Chapter 246-290 or 246-291 WAC, as now or hereafter amended, including monitoring data on record, satisfactory construction records and plans on file, and not under any compliance or enforcement order. The public water system shall also demonstrate adequate water rights, if required, from the Washington State Department of Ecology. [Ord. 1169, §1,V,Y, 2000]

Article VII. Assessor Notification

16.12.490 Segregation notification.

When it comes to the attention of the assessor of Lewis County that a division of

land that appears to be subject to the requirements of this chapter has been made but not contained within a large lot subdivision map, he shall forthwith notify the planning section of such division. Upon investigation, should the planning section consider the division as an illegal large lot subdivision, the planning section shall notify the Lewis County prosecuting attorney. [Ord. 1169, §1,V,Z, 2000]

Article VIII. Simple Segregations - Alternate Procedure

16.12.500 Definition.

A simple segregation is the creation of up to four tracts, five acres in size or larger, leaving no tract less than five acres in size. [Ord. 1169, §1,V,AA, 2000]

16.12.510 Purpose.

The purpose of this section is to create an alternate process to facilitate the occasional segregation of a simple segregation tract, where the purposes of this section are otherwise met. [Ord. 1169, §1,V,BB, 2000]

16.12.520 Application and approval.

(1) The application shall show a map of the property and provide legal descriptions for each parcel to be segregated, and the remainder parcel, in a form capable of recording.

(2) The application form shall identify that the proposed tract is lawfully zoned for 5-acre tracts and has lawful access to public road. The proposed covenants shall identify that tracts approved under this section have not been reviewed for building permit purposes and may not be suitable for development.

(3) For a determination of suitability for current development, the owner of the tracts to be sold or applicant for a building permit on a lot must show:

(a) The tract has access to water as required by state law.

(b) The tract has a suitable building site outside of critical areas and is consistent with criteria in the critical areas ordinance.

(c) The tract has a conforming septic and reserve area consistent with Health Department requirements, Chapters 8.40 and 8.41 LCC.

(4) Upon written findings that the two items in section (2) above are satisfied, the Administrator shall approve the simple segregation, which shall be recorded. The covenants of approval shall provide all tracts are legal lots of record for purposes of sale, but with no warranty that the lots are buildable under County rules and regulations. If the applicant submits the additional information required in (3) above, the Administrator may include a written finding that the lot is a lawful building lot as of the date of approval and the covenants may provide the lot is a lawful building lot as of the date of approval. [Ord. 1169, §1,V,CC, 2000]

16.12.530 Limit on further segregation.

No lot in a recorded segregation may be further divided within a period of five years from the date of recording without filing for a plat, short subdivision, or large lot subdivision as provided in this chapter. [Ord. 1169, §1,V,DD, 2000]

Chapter 16.14

**RECREATIONAL VEHICLE
PARK DIVISIONS**

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Article I. Scope - Administration

16.14.010 Applicability.

This chapter constitutes a "binding site plan process" for recreational vehicle park divisions as permitted by RCW 58.17.035, where the lots, tracts or parcels created are for the purpose of rent or lease, and shall be initiated by special use permit application under LCC 17.115.030(18), processed under

LCC 18.05.072. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.020 Administration.

The administrative binding site plan review of recreational vehicle park divisions shall be based upon the hearing examiner public hearing procedures prescribed in LCC 17.115.040 to 17.115.060, and shall require the following:

(1) Upon receipt of a complete application the administrator will review the application for completeness, and set the matter for public hearing. The hearing examiner shall function as a moderator during the hearing, while the administrator shall issue the written decision approving the application with or without conditions, denying the application, or remanding the application for revision or amendment.

(2) By this approval authority, and if the administrator determines that any delay in satisfying conditions and requirements for approval will not adversely impact the public health, safety or welfare, the administrator may allow requirements to be satisfied prior to issuing the first building permit for the site, or prior to issuing the first building permit for any phase, or prior to issuing a specific building's certificate of occupancy, or in accordance with an approved phasing plan;

(3) As the alternative to subsection (2), the administrator may require a surety for improvements within recreational vehicle park divisions as provided for under LCC 16.05.260 (Improvement Agreement).

(4) The binding site plan shall contain a provision requiring that any development of the site shall be in conformity with the approved binding site plan.

(5) All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the owner, purchaser, and any other person acquiring a possessory, ownership, security, or other

interest in any property subject to the binding site plan.

(6) After approval of a binding site plan for land zoned and used for recreational vehicle parks divisions, the applicant shall record the approved binding site plan with the incorporated survey requirements stated in LCC 16.14.200, as one recording document labeled as "Binding Site Plan.", and in the same format as a final plat.

(7) The process and procedures of LCC 16.15.060 to 16.15.080, 16.15.130, and 16.15.150 to 16.15.160, of the industrial/commercial binding site plan process shall also be applied by the administrator. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

Article II. Design

16.14.030 General.

(1) All recreational vehicle park divisions shall conform with the Lewis County comprehensive plan and/or applicable community development plan, the Lewis County Zoning Code, Chapter 58.17 RCW, and the requirements of this title, provided, in the event of a discrepancy between the standards established herein and those contained in any other applicable plan, control, or ordinance, the stricter standards shall apply.

(2) All improvements required by this title, including but not limited to roads, bridges, drains, culverts, storm-water and sanitary sewer systems, fire protection systems, wells and water systems, parks, telephone and electrical systems, and related structures or devices, shall be designed in accordance with the standards currently in effect at the time of preliminary site plan approval.

(3) Upon submittal for re-approval, preliminary site plans shall proceed in compliance with the regulations and standards applicable at the time of re-approval.

(4) Every recreational vehicle site shall contain at least 500 square feet space.

(5) Recreational vehicle sites shall be designed in such a manner as to provide a minimum of 10 feet separation between vehicles.

a) Accessory structures may be located no closer than 10 feet to any recreational vehicle site nor closer than five feet to any other accessory structure.

b) Each recreational vehicle rental space shall be numbered on the site plan and the number shall be prominently displayed on the site.

(6) An organization or individual with proper funding and training to maintain common facilities and operate the parks shall be continuously provided. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.040 Density.

(1) For the purposes of this title the maximum density in recreational vehicle park divisions shall be:

(a) A maximum density of fifteen (15) lease spaces per acre when a community septage system with individual lease space connections or individual holding tanks for each space are provided.

(b) A maximum density of seven (7) lease spaces per acre when only a central septage dump station is provided.

(2) Recreational vehicle sites shall be occupied on a temporary basis only by no more than one recreational vehicle and appurtenances (one towing/towed vehicle, a boat, an awning, etc.) at any given time.

(3) Minimum parcel size is two and one-half acres; provided, a larger minimum parcel size may be required by the State or local departments for septage disposal, stormwater management, and public water supply. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.050 Screening and buffering.

(1) Screening and buffering areas shall be established with a minimum width of 25 feet along all exterior property lines.

(2) Screening and buffering areas shall not contain any constructed facilities, erected or placed, with the exception of utility lines, fencing, or security posts; provided, that trails may be located within those buffer areas which are at least 50 feet in width..

(3) Screening and buffering areas shall be left in their natural state, or, if necessary, supplemented by screening plants.

(4) Perimeter buffers shall be supplemented by a fence or other device where trespass is a potential problem.

(5) The purpose of screening and buffers is to protect on a year-round basis the adjacent property or roadways from unsightliness, visual distraction and/or noise impacts. The buffer area may be reduced where it can be demonstrated that alternative screening can adequately accomplish the purposes stated in this subsection. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.060 Common facilities, recreation areas, and open spaces.

(1) Common facilities such as service buildings, water systems, sanitary sewage disposal facilities including septic tanks and drainfields, recreation space, open space, roads, paths, permanent buildings, and facilities for other general purposes shall be designed to accommodate the level of full potential use and occupancy of the recreational vehicle development.

(2) Paths or trails to common facilities shall not interfere with or cross a recreational vehicle site, and shall consider pedestrian safety at those points where trails or paths intersect roads.

(3) At least 25 percent of the total land area within a recreational vehicle park division shall be dedicated, in perpetuity, for open space.

(a) The amount of open space shall not include roads, but may include land devoted to common facilities or land left undeveloped or preserved.

(b) At least one-half of the open space must be suitable for active recreational pursuits.

(c) Such open areas and landscaping shall be continually and properly maintained. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.070 State Environmental Policy Act review.

All recreational vehicle park divisions shall comply with the environmental review provisions of Ch. 17.100 LCC. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.080 Significant natural features.

Steep slopes, geological hazard areas, marsh or wetland areas, areas subject to flooding or having bad drainage, streamways, tidelands, aquifer recharge areas, and areas containing critical wildlife and habitat may be included within the boundaries of a recreational division, however, improvements required for development shall proceed in compliance with administrative rules and procedures prescribed pursuant to Chs. 17.30 & 17.35 LCC. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.090 Access and circulation.

Access and circulation shall be designed with appropriate consideration for existing and projected roads, anticipated traffic patterns, topographic and drainage conditions, public convenience and safety, and the proposed uses of the land served. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

(1) Recreational vehicle park divisions shall have an access road connecting to an existing public road, designed in accordance with Lewis County road standards.

(2) Recreational vehicle parks shall be served by at least one major access road to and from the development, and shall contain provisions for one or more emergency exit(s).

(3) Roads within the confines of the recreational vehicle park division shall provide for access to each recreational vehicle site, and ease of movement within the development.

(4) Recreational vehicle park divisions shall incorporate standard 60-foot wide rights-of-way where public roads are to be dedicated. Private road easements shall also be 60 feet wide, and shall be established by recording of a separate instrument or by declaration of easement dedication, graphically portrayed on the binding site plan. However, easement width for private roads may be reduced pursuant to recommendation by the County Engineer. In instances where the standard 60-foot wide easement is not required, provisions for parallel easements for utility installation and maintenance may be required if deemed necessary by the County Engineer. All reduced width easements shall be designed to include provisions for emergency vehicle turnarounds.

(5) All dead-end roads shall be designed to include provisions for emergency vehicle turnarounds in accordance with the Lewis County private road standards.

(6) Roads shall be designed with appropriate lighting and marked to insure traffic safety.

(7) Security fences or other means may be employed to ensure use of private roads by appropriate parties. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

Article III. Required Improvements

16.14.100 Roads.

Roads in recreational vehicle park divisions shall comply with the current

Lewis County Private Road Standards. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.110 Off-site traffic impacts.

Recreational vehicle park division shall proceed in compliance with the off-site traffic impacts provisions in Ch. 17.145 LCC. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.120 Bridges.

The design and construction of any bridge in a recreational vehicle park division shall be in accordance with county standards and shall be approved by the County Engineer prior to approval of the final binding site plan. All bridge designs shall be certified by a licensed civil engineer. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.130 Signs.

Road signs shall be installed in accordance with applicable federal, state and Lewis County standards. Road names shall be approved by the County Building Official. Traffic signs and safety devices shall be provided and installed by the applicant in accordance with the Manual on Uniform Traffic Control Devices. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.140 Drainage.

Drainage facilities adequate to prevent erosion, flooding or hazard to the use of the recreational vehicle sites, property, or facilities within the recreational vehicle park division, or to adjacent private or public property shall be installed according to a drainage plan approved by the County Engineer in accordance with county standards, pursuant to Ch. 15.45 LCC (Stormwater Management). The plan shall show full details, including the locations, lengths, and sizes of culverts, and the method and location of run-off water disposal. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.150 Water supply.

(1) Applicants for recreational vehicle park divisions shall provide proof of water availability for a public water system, adequate in quantity and quality, in accordance with the rules and regulations of the Washington State Department of Health and the county health department-regarding source, source protection, facilities for withdrawal, treatment, storage, transmission and distribution.

(2) Potable water shall be available within 200 feet every recreational vehicle site. Adequate disposal for faucet overflow shall be provided at each distribution point. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.160 Sewage disposal and service buildings.

Installation of sewage disposal systems and service buildings within recreational vehicle park divisions shall be in compliance with regulations and standards of the Washington State Department of Health, the Washington State Department of Ecology, and, in particular, the Holding Tank Policies of the Lewis County Health Officer and the county health department, and shall be approved only after a site inspection by the county health department.

(1) Each recreational vehicle park division shall be provided with sanitary dumping station(s), holding tanks or a community sewage treatment system, as necessary. Sanitary dumping stations and holding tanks shall not be required if community sewer connections are provided to all recreational vehicle sites.

(2) Service buildings containing the necessary toilet and other plumbing fixtures shall be provided in recreational vehicle park divisions. Service buildings shall be located at a maximum of 400 feet from each recreational vehicle site.

(3) Seasonal recreational vehicle park divisions shall provide, in the alternative,

individual holding tanks for each site or provide a community sewage treatment connection for each site; no portable dump tanks shall be permitted.

(4) Transient recreational park divisions shall prohibit the use of non-commercially manufactured, portable dump tanks and of all dump tanks in excess of 35 gallons capacity. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.170 Solid waste.

Adequate provisions for the storage, collection, and disposal of solid waste shall be provided within the recreational vehicle park division. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.180 Fire protection.

(1) A water supply adequate for fire protection in accordance with the Uniform Fire Code and local fire district recommendations consistent with state law, is required for all recreational vehicle park divisions.

(2) An approved fire fighting vehicle and/or other permanent fire fighting devices or equipment shall be installed within the confines of recreational vehicle park divisions when required by either the Washington State Department of Natural Resources, the U.S. Forest Service, the appropriate local fire district, or County Fire Marshal.

(3) Fire pits shall be constructed of concrete, rock, brick, cement blocks, or similar material, and shall be equipped with spark arresting devices, and may be used only in compliance with open burning regulations and burn bans.

(4) Fire break trails shall be provided around the periphery of the development. Additional fire break trails may be required as a result of administrative review. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.190 Electric utilities.

No new recreational vehicle park division shall be serviced by overhead utilities, and all electrical utilities associated or incidental to the development of recreational vehicle facilities shall be designed, installed and maintained in conformance with the rules, regulations, and standards of the Washington State Department of Labor and Industries. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

16.14.200 Surveys.

(1) The survey and preparation of every recreational vehicle park binding site plan shall be made by or under the supervision of a licensed land surveyor registered by the state of Washington.

(2) All surveys shall conform to standard practices and principles for land surveying. (See Chapter 323-130 WAC, as amended.)

(3) The department of public works shall be furnished all documents and calculations necessary to determine the accuracy of surveys.

(4) The surveyor shall provide the health department and planning department data indicating the developed area and undeveloped area within the recreational vehicle park division.

(5) Permanent control and road monuments directly related to the recreational vehicle park division shall be constructed of materials as per Lewis County standards.

(6) Road monuments shall be set in such a manner that future road development or utility installation will not disturb the accuracy of their position.

(7) The outside boundaries of recreational vehicle park divisions shall be surveyed and marked at the corners with an iron pipe or rebar having surveyor's cap and license number.

(8) Surveys shall include a section tie which shall be graphically portrayed on the recreational vehicle binding site plan.

(9) A survey is not necessary until after summary or preliminary recreational vehicle park binding site plan approval. However, approximate outside boundaries shall be marked prior to summary or preliminary binding site plan review. [Ord. 1175 Ex. A, 2000; Ord. 1173 Ex. A, 2000]

Chapter 16.15

INDUSTRIAL - COMMERCIAL BINDING SITE PLANS

Sections:

- 16.15.010 Binding site plan option.
- 16.15.020 Site plan requirement.
- 16.15.030 Presubmission conference.
- 16.15.040 Application content.
- 16.15.050 Review.
- 16.15.060 Findings and conclusions.
- 16.15.070 Amendment.
- 16.15.080 Dedication.
- 16.15.090 Development.
- 16.15.100 Duration of approval.
- 16.15.110 Appeals.
- 16.11.120 Design standards and improvements.
- 16.15.130 Increased public service standards, roads, sewers, water, stormwater.
- 16.15.140 Waiver of standards and provisions.
- 16.15.150 Noncompliance with site plan.
- 16.15.160 Violation and penalties.
- 16.15.170 Notice.
- 16.15.180 Recording.

16.15.010 Binding site plan option.

In lieu of subdivision approval, a subdivider or developer of commercially or industrially zoned property may choose to request approval of a binding site plan pursuant to this chapter and RCW 58.17.035. [Ord. 1169, §1, VI, A, 2000]

16.15.020 Site plan requirement.

Site plan review and approval is required prior to the use of land for the location of any commercial or industrial building. [Ord. 1169, §1, VI, B, 2000]

16.15.030 Presubmission conference.

Prior to applying for site plan approval, an applicant may request a presubmission

conference. Such presubmission review shall not be binding upon either party. [Ord. 1169, §1, VI, C, 2000]

16.15.040 Application content.

Each application for site plan approval shall contain ten copies of the following information:

(1) The title and location of the proposed development;

(2) The names, addresses, and telephone numbers of the applicant, of the owner of the site, of any architect, planner, designer, or engineer responsible for preparation of the plan, and of any authorized representative of the applicant;

(3) The proposed use of the site and buildings;

(4) The current zoning of the proposed development site and any other zoning within three hundred feet of the site;

(5) Total area of the development site and of existing and proposed impermeable surfaces to an accuracy of one-hundredth acre;

(6) The proposed number of units in the development;

(7) The proposed area in square feet of existing and proposed gross commercial floor area;

(8) A description of existing and proposed commercial or industrial uses;

(9) A site plan drawing of one or more sheets at a scale of not less than one inch to one hundred feet showing, at minimum:

(a) The location of all existing and proposed structures, including buildings, fences, culverts, bridges, roads, and streets,

(b) The boundaries of the property proposed to be developed,

(c) All proposed and existing buildings and setback lines sufficiently accurate to ensure compliance with setback requirements,

(d) Areas, if any, to be preserved as buffers or to be dedicated to a public,

private, or community use or for open space under the provisions of this title,

(e) All existing and proposed easements,

(f) The location of all existing and proposed utility structures and lines,

(g) Existing and proposed stormwater retention, drainage, and treatment systems,

(h) Means of vehicular and pedestrian ingress and egress to and from the site and the size and location of driveways, streets, and roads,

(i) The location and design of off-street parking areas, showing their size, locations of internal circulation, and parking spaces,

(j) Landscaping location and type;

(10) Contours of sufficient interval to indicate the topography of the entire tract for a sufficient distance beyond the boundaries of the proposed project, as follows:

(a) Up to five percent slope-two foot contours,

(b) Five percent and greater slope-five foot contours. [Ord. 1169, §1, VI, D, 2000]

16.15.050 Review.

The Site Plan Review Committee shall include representatives of the Community Development Department's Planning and Health Department's Environmental Services Divisions, the Public Works Department (positions with stormwater management and traffic engineering expertise), and the Lewis County Planning Commission (the "Committee"). The Committee shall review the proposed site plan for compliance with the provisions of this chapter and other applicable laws and regulations. The Committee may require additional information necessary for such review. The Committee shall determine whether the proposed use is served and

makes adequate provision for the public health and safety. The Committee shall approve with or without conditions, deny or return the application to the applicant for modification or correction within thirty (30) days, unless the applicant consents in writing to an extension of time. The decision of the Committee shall be final and subject to review under LCC 16.15.110. Applications shall not be deemed complete for purposes of review until all of the information in LCC 16.15.040 and such other information as may be requested by the Committee has been submitted. All Committee decisions shall be submitted in writing. [Ord. 1169, §1,VI,E, 2000]

16.15.060 Findings and conclusions.

A proposed binding site plan and any dedication shall not be approved unless the Committee makes written findings that:

(1) Appropriate provisions are made for the public health and safety, and for such open spaces and drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, and where applicable parks and recreation, playgrounds, schools and school grounds, sidewalks, and other features assuring safe walking conditions for students who only walk to and from school;

(2) The public use and interest will be served by the platting of such binding site plan and any dedication;

(3) The proposed binding site plan is in conformity with applicable zoning and other development regulations;

(4) Public facilities impacted by the proposed binding site plan will be adequate and available to serve the binding site plan concurrently with the development of a plan to finance needed public facilities in time to assure retention of an adequate level of service;

(5) The project is within an approved sewer service area for projects on sewer, and adequate capacity exists or is planned with

funding sources in place. [Ord. 1169, §1,VI,F, 2000].

16.15.070 Amendment.

A site plan approved by the Committee shall not be altered unless such amendment is approved by the Committee. If such amendment is determined to be substantial, the Committee may require that a new site plan be submitted. The Committee shall not act on any amendment for at least 15 days to provide for a comment period following publication of notice of receipt of the amendment in the East County Journal and Centralia Chronicle to provide for a comment period. [Ord. 1169, §1,VI,G, 2000]

16.15.080 Dedication.

(1) The Committee may require dedication of land to a public body and/or provision of public improvements to serve the binding site plan as a condition of binding site plan approval. Dedication shall be clearly shown on the plan.

(2) A site plan shall not be finally approved until or concurrent with a dedication of any required rights-of-way, easements, and land. [Ord. 1169, §1,VI,H, 2000]

16.15.090 Development.

Development permits, including building permits, may be issued concurrently with site plan approval, but all such permits shall require a certificate of occupancy under the UBC for use and no such certificate shall be issued unless all dedications and public facilities and services necessary to serve the project and other improvements called for by the site plan are complete and have been accepted by the county, or adequately guaranteed for timely completion through bonds approved by the public works director. [Ord. 1169, §1,VI,I, 2000]

16.15.100 Duration of approval.

(1) Approval of a binding site plan shall be effective for a period of between two and ten years from the date of approval by the Committee on such terms and interim milestones as the Committee may deem appropriate. During this time the terms and conditions upon which approval was given will not be changed without the approval of the Committee.

(2) Whenever a planned use of a land is to be implemented in phases over a period of more than three years, the applicant may submit an application requesting review and approval of a phased development plan. Approval may be granted for an extended period of development upon finding that such plan is of sufficient flexibility to vary with changing circumstances and that such approval is in the public interest. Such application shall outline and such approval shall specify with particularity which aspects of the site plan are vested and which are subject to subsequent changes in county or other standards or regulations. The approval of such phased plan shall identify the duration of the approvals granted. [Ord. 1169, §1,VI,J, 2000]

16.15.110 Appeals.

(1) Any decision of the Committee may be appealed to the hearing examiner within ten (10) days of the date of the written decision by the Committee in accordance with LCC 2.25.130. The hearing examiner may reverse or affirm wholly or in part the decision of the Committee. Those aggrieved by the decision of the hearing examiner may appeal such decision to the superior court under Chapter 2.25 LCC. The cost of transcription of any records ordered certified for such review shall be borne by the applicant for such review.

(2) In the event the Committee fails to issue a written decision in accordance with the requirements of 16.15.050, the applicant may, with 10 days written notice to the

Committee, demand an open record public hearing on the application. Upon receipt of such demand, the Committee shall issue a final decision within 10 days or publish a 10-day notice of the public hearing for the next available hearings examiner date. [Ord. 1169, §1,VI,K, 2000]

16.15.120 Design standards and improvements.

All site plans are subject to and shall comply with those construction and facility improvement standards set forth in county development standards. [Ord. 1169, §1,VI,L, 2000]

16.15.130 Increased public service standards, roads, sewer, water, stormwater.

If a building or occupancy permit is sought after final site plan approval which would result in a greater density or different use than that approved for the original development, higher public services may be required as a result. The building permit shall not be granted until the public services serving the lot are built to the higher standard or an agreement and bond to guarantee such construction is accepted by the Committee. [Ord. 1169, §1,VI,M, 2000]

16.15.140 Waiver of standards and provisions.

To invite innovative design, when a proposed site plan would conflict with any engineering standard or provision of the county development code pertaining to sewer, water, road, or stormwater standards, the Committee may modify such standard or provision upon finding that the proposal is consistent with sound engineering practices, the proposal will better serve the County interests than the county standards, and the county will not otherwise be harmed by the change. The Committee's decision to accept a change is discretionary. [Ord. 1169, §1,VI,N, 2000]

16.15.150 Noncompliance with site plan.

Development of the area subject to the approved site plan shall conform with the approved site plan. Any development, use, or density which fails to substantially conform to the site plan as approved by the Committee constitutes a violation of this chapter. The county may order stop work on any such violation and may decline to issue any approvals or permits within the plan area until the violation is corrected. [Ord. 1169, §1,VI,O, 2000]

16.15.160 Violation and penalties.

Any person, firm, corporation, or association, or agent thereof, who violates any provision of this chapter shall be subject to the penalties in LCC 1.20.020 & -.040, and general provisions of Chapter 1.20 LCC. [Ord. 1169, §1,VI,P, 2000]

16.15.170 Notice.

The Community Development Department Director shall maintain a roster of pending cases and shall provide notice of any convening of the of the Committee and its agenda to a person who has requested such notice in writing. [Ord. 1169, §1,VI,Q, 2000]

16.15.180 Recording.

Final binding site plans shall be recorded in the manner of and in the same format as a final plat. [Ord. 1169, §1,VI,R, 2000]